

OFFICIALS
of the
TOWN OF
EDGEFIELD, SOUTH CAROLINA
AT THE TIME OF THIS RECODIFICATION

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William Jackson, Mayor Pro-Tem
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PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Town of Edgefield, South Carolina.

Source materials used in the preparation of the Code were the 1986 Code, as supplemented through October 3, 2005, and ordinances subsequently adopted by the mayor and town council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1986 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself that stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Sandra S. Fox, Code Attorney, and Paula B. Freeman, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Charlotte Cheatham, Town Clerk; Ronald A. Carter, Chief of Police; and David Krumwiede, Special Projects Coordinator, for their cooperation and assistance

Chapter 42

ZONING*

Article I. In General

- Sec. 42-1. Definitions.
- Sec. 42-2. Conflict with other laws.
- Sec. 42-3. Erosion and sedimentation control.
- Secs. 42-4—42-30. Reserved.

Article II. District Standards and Specifications

Division 1. Generally

- Sec. 42-31. Districts established.
- Sec. 42-32. Purpose of districts.
- Sec. 42-33. Applicability; minimum requirements.
- Sec. 42-34. Establishment of official zoning map.
- Sec. 42-35. Amendments to the official zoning map.
- Sec. 42-36. Rules for interpretation of district boundaries on the official zoning map.
- Sec. 42-37. Zoning annexed property.
- Sec. 42-38. Use tables explained; key to table abbreviations.
- Sec. 42-39. Table 1—Permitted and conditional uses and off-street parking.
- Sec. 42-40. Table 2—Area, setback, and height requirements.
- Sec. 42-41. Temporary uses.
- Sec. 42-42. Combined use of space to meet minimum requirements prohibited.
- Sec. 42-43. Additional setback requirements.
- Sec. 42-44. Exceptions to height limitations.
- Sec. 42-45. Projections.
- Sec. 42-46. Method of measuring yards, setbacks, buildable area and structure height.
- Sec. 42-47. Number of principal structures or uses on lots.
- Sec. 42-48. Visibility at intersections.
- Secs. 42-49—42-70. Reserved.

***Editor's note**—See also development rights provisions in chapter 28.

State law references—Zoning ordinances and purposes, S.C. Code 1976, § 6-29-710; zoning districts, S.C. Code 1976, § 6-29-720; board of zoning appeals, S.C. Code 1976, § 6-29-780; function, powers and duties of local planning commission, S.C. Code 1976, § 6-29-340; membership of commission; organization, S.C. Code 1976, §§ 6-29-350, 6-29-360; comprehensive plan; process and elements, S.C. Code 1976, § 6-29-510; adoption of comprehensive plan or elements; hearing, S.C. Code 1976, § 6-29-530; board of zoning appeals; powers, S.C. Code 1976, §§ 6-29-780, 6-29-790, 6-29-800.

EDGEFIELD CODE

Division 2. Specific Conditional Uses

- Sec. 42-71. Purpose.
- Sec. 42-72. Multifamily housing, residential care and group occupied housing.
- Sec. 42-73. Townhouses.
- Sec. 42-74. Patio and zero lot line housing.
- Sec. 42-75. Manufactured housing.
- Sec. 42-76. Accessory apartments.
- Sec. 42-77. Home occupations.
- Sec. 42-78. Horse-related facilities.
- Sec. 42-79. Communication towers and antennas.
- Sec. 42-80. Sexually oriented businesses.
- Sec. 42-81. Bed and breakfast inns.
- Secs. 42-82—42-100. Reserved.

Division 3. Accessory Uses

- Sec. 42-101. Accessory uses to observe required setbacks.
- Sec. 42-102. Requirements applicable to all accessory uses.
- Sec. 42-103. Requirements applicable to specific accessory uses.
- Secs. 42-104—42-120. Reserved.

Division 4. Nonconforming Uses and Structures

- Sec. 42-121. Continuation.
- Sec. 42-122. Modification.
- Sec. 42-123. Discontinuance.
- Sec. 42-124. Lots too small to meet setback requirements.
- Secs. 42-125—42-160. Reserved.

Article III. Landscaping, Buffering and Tree Protection

Division 1. Generally

- Sec. 42-161. Intent.
- Secs. 42-162—42-180. Reserved.

Division 2. Buffering

- Sec. 42-181. Defined; purpose.
- Sec. 42-182. Location.
- Sec. 42-183. Buffer types; when buffers required.
- Sec. 42-184. Design standards.
- Sec. 42-185. Height requirements.
- Sec. 42-186. Staggered plantings.
- Sec. 42-187. Permitted substitutions.

ZONING

- Sec. 42-188. Owner of new use property responsible for providing buffer area; exception.
- Sec. 42-189. Required maintenance.
- Sec. 42-190. Use of buffer areas.
- Secs. 42-191—42-210. Reserved.

Division 3. Landscaping

- Sec. 42-211. Definition.
- Sec. 42-212. Purpose.
- Sec. 42-213. Where required.
- Sec. 42-214. Landscaping plan.
- Sec. 42-215. Design standards and specifications.
- Sec. 42-216. Landscaped areas in or adjacent to parking areas.
- Sec. 42-217. Required maintenance.
- Secs. 42-218—42-240. Reserved.

Division 4. Tree Protection

- Sec. 42-241. Purpose.
- Sec. 42-242. Exemptions.
- Sec. 42-243. Significant trees protected.
- Sec. 42-244. Tree survey.
- Sec. 42-245. Site design.
- Sec. 42-246. Minimum protective zone to be maintained during development.
- Sec. 42-247. Replacement of removed significant trees.
- Secs. 42-248—42-280. Reserved.

Article IV. Signs

Division 1. Generally

- Sec. 42-281. Purpose; compliance required.
- Sec. 42-282. Signs on private property restricted by zoning district; reference tables.
- Sec. 42-283. Signs in the public rights-of-way.
- Sec. 42-284. Temporary signs.
- Sec. 42-285. Prohibited signs.
- Sec. 42-286. Nonconforming signs.
- Secs. 42-287—42-310. Reserved.

Division 2. Design and Construction Standards

- Sec. 42-311. Clearances required.
- Sec. 42-312. Building and electrical code compliance required.
- Sec. 42-313. Painted sign requirements.
- Sec. 42-314. Illuminated sign requirements.

EDGEFIELD CODE

- Sec. 42-315. Method of measuring sign face areas.
- Sec. 42-316. Method of measuring distance of sign from ground.
- Secs. 42-317—42-350. Reserved.

Article V. Off-Street Parking and Loading

- Sec. 42-351. Applicability; general requirements.
- Sec. 42-352. Parking area to be on same property as principal use.
- Sec. 42-353. Design standards for parking area for more than ten vehicles.
- Sec. 42-354. Maintenance.
- Sec. 42-355. Parking space for the physically disabled.
- Sec. 42-356. Approval of parking and off-street loading plans and layouts.
- Sec. 42-357. Parking and storage of vehicles restricted in residential areas.
- Sec. 42-358. Loading areas.
- Secs. 42-359—42-390. Reserved.

Article VI. Permits, Permit Authorizations and Certificates

- Sec. 42-391. Required.
- Sec. 42-392. Filing applications.
- Sec. 42-393. Application requirements for building permit authorizations.
- Sec. 42-394. Application requirements for sign permits.
- Sec. 42-395. Fees.
- Sec. 42-396. Expiration.
- Sec. 42-397. County certificate of occupancy required.
- Secs. 42-398—42-430. Reserved.

Article VII. Administration and Enforcement

Division 1. Generally

- Sec. 42-431. Duties and authority of zoning administrator.
- Sec. 42-432. Inspections.
- Sec. 42-433. Complaints regarding violations.
- Sec. 42-434. Penalties for violation.
- Sec. 42-435. Right of appeal.
- Secs. 42-436—42-460. Reserved.

Division 2. Planning and Zoning Commission

- Sec. 42-461. Membership; vacancies; compensation.
- Sec. 42-462. Organization; meetings; rules; staff and finances.
- Sec. 42-463. General powers and duties.
- Secs. 42-464—42-490. Reserved.

ZONING

Division 3. Board of Zoning Appeals

- Sec. 42-491. Established.
- Sec. 42-492. Officers, rules, meetings and quorum.
- Sec. 42-493. Appeal procedure.
- Sec. 42-494. Powers and duties.
- Sec. 42-495. Final decisions and orders; concurring vote of majority required.
- Sec. 42-496. Appeal from final board decisions governed by state law.
- Secs. 42-497—42-520. Reserved.

Division 4. Amendments

- Sec. 42-521. Authority.
- Sec. 42-522. Pre-hearing procedure.
- Sec. 42-523. Notice of public hearing.
- Sec. 42-524. Posting of property.
- Sec. 42-525. Action by mayor and town council.
- Sec. 42-526. Fees.

ARTICLE I. IN GENERAL**Sec. 42-1. Definitions.**

Words not defined herein shall have the meanings as stated in the standard construction codes adopted by the town from time to time. Words not defined in the standard codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Animal shelter, domestic, means a pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine (including pot bellied pigs), sheep, ponies, grazing animals and fowl of any kind, are boarded or kept.

Buildable area means that portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side and rear yard, open space, and applicable buffer area requirements have been met.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons or property.

Building, accessory, means a subordinate structure on the same lot and detached from the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, domestic animal shelters, pool houses, etc., when detached from the principal building, and carports attached to the principal building when at least 75 percent open or unenclosed.

Building, principal, means a building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Canopy tree means a deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others.

Conditional use means a use of land or structure which is permitted in a district under conditions specified in this chapter.

Council, mayor and council, or town council means the legally elected governing body of the Town of Edgefield.

Day care services means and includes any home, center, agency or place, however styled, where children, elderly, handicapped or other persons not related to the operator are received for custodial care, whether for compensation, reward, or otherwise during part of or all day or night, and upon any number of successive days or nights.

Density means the number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this chapter are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use and common open space, exclusive of land utilized for streets, parks, playgrounds, school grounds, or other public uses.

Developed lot means any lot or parcel containing over \$20,000.00 in improvements, other than a sign.

Dwelling means a building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, apartment. (See *dwelling, multifamily.*)

Dwelling, detached, means a single dwelling unit surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, duplex, means a building containing two dwelling units.

Dwelling, group occupied, means a dwelling unit occupied by five or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, manufactured home, means a factory-built home built after the enactment of and bearing a label of compliance with the Federal Manufactured Home Construction and Safety Standards Act, effective June 15, 1976 (HUD Code).

Dwelling, multifamily, means a building containing three or more dwelling units.

Dwelling, patio house, means a single-family detached or semi-detached dwelling unit. It is built on a small lot, generally enclosed by walls which provide privacy. The term "patio house dwelling" is synonymous with zero lot line dwellings.

Dwelling, single-family, means a building containing one dwelling unit.

Dwelling, townhouse, means a series of attached dwelling units on separate lots, which may or may not have a common roof and are separated from each other by common vertical walls.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, zero lot line, means single-family detached unit which, instead of being centered on a lot, is placed against at least one of the side lot lines. The term "zero lot line dwelling" is synonymous with patio house.

Family means one or more persons related by blood, marriage, adoption or guardianship, and not more than four persons not so related, except that nine mentally or physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, including approval or licensing of the home in which they are located by a state agency for that purpose.

Family day care home means a home in which care is given by a family member and no others during the day only for one and not more than seven children, including the day care parents' own children.

Flag means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Garage, private, means as defined by the standard construction codes adopted by the town from time to time.

Home occupation means any occupation conducted for gain within a dwelling by a member or members of the family residing in the dwelling.

Intended project means a project where substantial monies have been spent towards the goal of the project.

Junk and/or salvage means any materials consisting of waste, discarded or salvage matter which is bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises for more than 72 hours, whether for repair or not. The term "junk" also means, but is not

limited to old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, old vehicle parts, nonworking major appliances, and other old ferrous or non-ferrous material.

Junk and/or salvage yard means any premises where salvage or junk as defined herein are found and have been permitted to remain with the consent of the owner, lessee, or person responsible for maintenance of such premises.

Lot means a parcel of land considered as a unit. The terms "lot," "lot of record," "property," or "tract," whenever used in this chapter, are interchangeable. The term "lot" includes the term "plot" or "parcel."

Lot area means the area contained within the boundary line of a lot.

Lot, corner, means a lot located at the intersection of two or more streets.

Lot line means a line bounding a lot which divides one lot from another or from a street or any other public or private space.

Lot of record means a lot, the boundaries of which are filed as legal record.

Manufactured home park means a lot or parcel with space, improvements and utilities for the long-term parking of two or more mobile or manufactured homes which may include services and facilities for the residents.

Map or zoning map means the official zoning map of the Town of Edgefield, South Carolina.

Modular building unit or modular structure means any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the South Carolina Modular Buildings Construction Act, S.C. Code 1976, § 23-43-10, said building unit or structure may be located in any of the city's several zoning districts.

Nonconformity means any lot of record, use, building, structure or vegetation in existence prior to the effective date of the ordinance from which this chapter is derived, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of this chapter.

Nonresidential use means a principal use of land for other than residential purposes, i.e., commercial, industrial, or institutional.

Parcel means a land area bounded by property lines that is recognized as such by the county assessor's office.

Planning commission means the planning commission for the Town of Edgefield.

Sexually oriented businesses, for purposes of this chapter, means and includes the following:

- (1) *Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically-, electrically-, or mechanically-controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- (2) *Adult bookstore or adult video store* means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
 - b. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- (3) *Adult cabaret/theater* means a nightclub, bar, restaurant, theater, or similar commercial establishment which regularly features:
 - a. Persons who appear in a state of nudity; or
 - b. Performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- (4) *Adult motel* means a hotel, motel or similar commercial establishment which offers accommodations to the public with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

- (5) *Sexual encounter center* means a business or commercial enterprise that, as one of its primary business purposes, offers activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sign means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Flags are not signs.

Sign, abandoned, means a sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers.

Sign, animated, means any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

Sign, awning, canopy or marquee means a sign that is mounted or painted on or attached to an awning, canopy or marquee.

Sign, banner, means any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.

Sign, building, means any sign attached to any part of a building.

Sign, changeable copy, means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter.

Sign, face, means the area or display surface used for the message.

Sign, freestanding, means any nonmovable sign not affixed to a building.

Sign, incidental, means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking,"

"entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Sign, pennant, means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Sign, permanent, means a sign attached to a building, structure or the ground in some manner and made of materials intended for more than short-term use.

Sign, political, means a temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, portable, means a sign that is not permanently affixed to a building, structure or the ground.

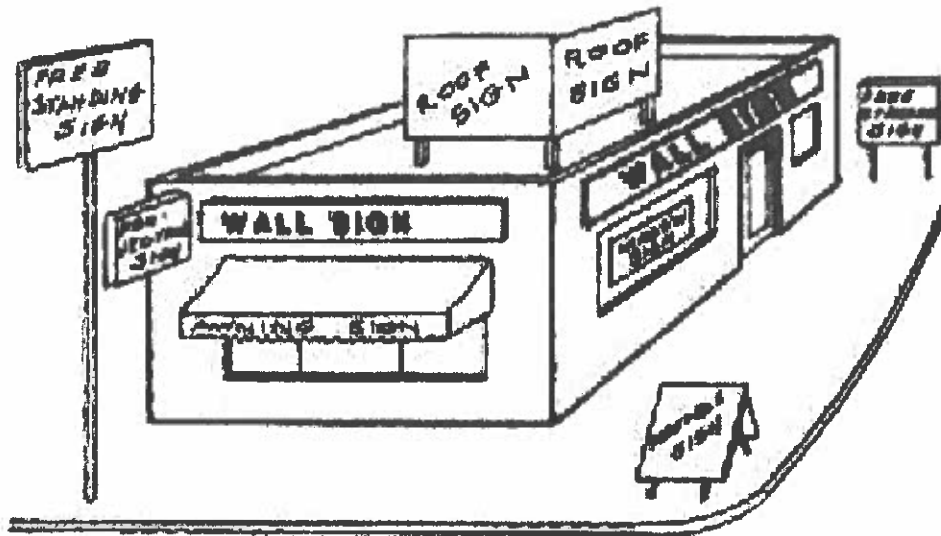
Sign, projecting, means a sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, roof, means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, temporary, means a sign that is used only for a short period of time and is not permanently mounted.

Sign, wall, means any sign attached to and within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Sign, window, means a sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.



Specified anatomical areas means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activities means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.

State manufactured housing board means the South Carolina Manufactured Housing Board established by S.C. Code 1976, § 40-29-10.

Street means any thoroughfare or space more than 18 feet in right-of-way width which has been dedicated, deeded or designated for vehicular traffic, public or private.

Structural alteration means any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Structure means as defined by the standard construction codes adopted by the town from time to time.

Travel trailer or recreational vehicle means a structure that:

- (1) Is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle); and
- (2) Is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definition criteria of a mobile or manufactured home or modular unit.

Understory tree means a small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

Use means the purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, accessory, means an incidental use customarily found in connection with the principal use, e.g., cemetery, parsonage, and schools accessory to churches, when located on the same lot.

Use, principal, means the primary purpose for which land is used.

Used or occupied, as applied to any land or building, shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the terms "intended," "arranged," or "designed to be used or occupied."

Variance means a modification of the area regulations of this chapter, granted by the zoning board of appeals.

Yard means an open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this chapter.

Yard, front, means a yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

Yard, rear, means a yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, required, means that part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this chapter.

Yard, side, means a yard extending the full length of the lot in the area between the side lot line and a side building line.

Zoning board of appeals means the zoning board of appeals for the Town of Edgefield.

Zoning district means a specifically delineated area or district in the town within which regulations and requirements govern the use, placement, spacing and size of land and buildings.

(Ord. of 6-4-2001, art. 10)

Sec. 42-2. Conflict with other laws.

Whenever the regulations of this chapter require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this chapter shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of such statute shall govern.

(Ord. of 6-4-2001, § 11.1)

Sec. 42-3. Erosion and sedimentation control.

Notwithstanding any other provision of this chapter, no development shall be undertaken that directly or indirectly increases the erosion of land or its potential for erosion. The following provisions apply to erosion and sediment control:

- (1) *Existing uncovered areas*. All uncovered areas not actively being developed on the effective date of the ordinance from which this chapter is derived, which resulted from previous land-disturbing development activities, and which exceed one contiguous acre, and are causing off-site visual evidence of erosion or sedimentation, shall be provided with a ground cover or other protective measures sufficient to restrain accelerated erosion and control off-site sedimentation.

- (2) *Erosion control during construction.* The developer shall take all reasonable measures to reduce soil loss and contain sediment during construction. Exposed soil shall be stabilized within one month of exposure.
- (3) *Ground cover requirements.* To help retain sediment generated by land-disturbing development activities within the boundaries of the development tract, the developer shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion within 30 calendar days following completion of such development.
- (4) *Construction of buffer strips.* No land-disturbing activity except recreational uses with grasses and other vegetation shall be permitted in proximity to a water body unless a vegetated strip is provided along the margin of the watercourse of sufficient width to prevent sediment from leaving the site and entering the watercourse. The strip shall be inspected for approval by the zoning administrator.
- (5) *Graded slopes and fills.* The angle for graded slopes and fills on sites meeting the requirements of this section shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed shall be stabilized sufficiently to restrain erosion within 30 calendar days of completion of any phase of grading.

(Ord. of 6-4-2001, § 7.7-8)

Secs. 42-4—42-30. Reserved.

ARTICLE II. DISTRICT STANDARDS AND SPECIFICATIONS

DIVISION 1. GENERALLY

Sec. 42-31. Districts established.

For the purpose of this chapter, the Town of Edgefield is hereby divided into the following zoning districts:

<i>Map</i>	
<i>Symbol</i>	<i>District</i>
R-1	Low Density Residential District

Map

<i>Symbol</i>	<i>District</i>
R-2	High Density Residential District
R-3	Medium Density Residential District
R-4	Residential-Institutional District
B-1	Downtown Business District
B-2	General Business District
B-3	Business/Industrial District
D-1	General Development District

(Ord. of 6-4-2001, § 1.1)

Sec. 42-32. Purpose of districts.

Collectively, these districts are intended to advance the purposes of this chapter. Individually, each district is designed and intended to accomplish the following more specific objectives:

- (1) *R-1, Low Density Residential District.* The R-1 district is intended to foster, preserve and protect areas of the community in which the principal use of land is for detached, single-family dwellings, and limited residential support facilities at low densities.
- (2) *R-2, High Density Residential District.* The R-2 district is intended to accommodate high density, multifamily residential development on small lots or in project settings, in areas accessible by major streets and in proximity to commercial and employment uses.
- (3) *R-3, Medium Density Residential District.* The R-3 district is intended to accommodate a range of housing which meets the diverse economic and social needs of the population and to provide a protected residential environment. Senior housing, congregate care and group facilities, cluster subdivisions, townhouses, patio homes and similar land conservation housing types are permitted with commonly maintained recreational and open space. Manufactured homes also are permitted in this district.
- (4) *R-4, Residential-Institutional District.* The R-4 district is intended to accommodate office, institutional and residential uses in areas whose character is mixed or in transition. It is designed principally for use along major streets and subdivision borders characterized by older

houses to help ameliorate the consequences of change impacting these areas, and provide a transitional buffer between potentially incompatible commercial and residential development.

- (5) *B-1, Downtown Business District.* The B-1 district is intended to promote the concentration and vitality of commercial and business uses in downtown Edgefield. This district is characterized by wall-to-wall and lot-line-to-lot-line development, sidewalks, and public parking.
- (6) *B-2, General Business District.* The B-2 district is intended to provide for and promote the development and maintenance of commercial and business uses strategically located to serve the community and the larger region of which it is a part. Toward this end, a wide range of business, commercial and light industrial uses are permitted in this district.
- (7) *B-3, Business/Industrial District.* The intent of the B-3 district is to provide for development of wholesaling, distribution, storage, processing and manufacturing uses in an environment suited to such uses and operations while promoting land use compatibility within the town.
- (8) *D-1, General Development District.* The intent of the D-1 district is to accommodate an existing mixed use area, to permit the continuing mix of uses in the district and to minimize with the use of buffers and landscaping the impact of development in this district.

(Ord. of 6-4-2001, § 1.2)

Sec. 42-33. Applicability; minimum requirements.

The various zoning district regulations established in this chapter are declared to be the minimum requirements necessary to carry out the purpose of this chapter. These regulations apply to each class or kind of structure or land, and are the minimum standards for all site clearing, development, buildings, structures, or alterations to land or structures within the jurisdiction of this chapter.

(Ord. of 6-4-2001, § 7.1)

Sec. 42-34. Establishment of official zoning map.

(a) The boundaries of the use districts established by this chapter are shown on the official zoning map, which shall be identified by the signature of the mayor, attested by the town clerk-treasurer and maintained at town hall. The

official zoning map and all amendments, certifications, citations and other matters entered on to the official zoning map are hereby made a part of this chapter and have the same legal effect as if fully set out herein.

(b) No changes of any nature shall be made on the official zoning map or matters shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided by law.

(Ord. of 6-4-2001, § 1.3)

Sec. 42-35. Amendments to the official zoning map.

Amendments to the official zoning map shall be adopted by ordinance as provided for by this chapter. Promptly after the adoption of an amendment, the zoning administrator shall alter or cause to be altered the official zoning map to indicate the amendment and the effective date of the ordinance amending the map.

(Ord. of 6-4-2001, § 1.4)

Sec. 42-36. Rules for interpretation of district boundaries on the official zoning map.

(a) Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or public utility easements shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- (3) Boundaries indicated as approximately following the town limits shall be construed as following such town limits.
- (4) Boundaries indicated as parallel to, or extensions of features indicated in subsections (a)(1) through (a)(3) of this section shall be so construed.

(b) If distances are not specifically indicated on the official zoning map, or in other circumstances not covered by subsections (a)(1) through (a)(3) of this section, the boundaries shall be determined by the use of scale of such map.

(c) Where uncertainties continue to exist after the application of the other rules in this section, appeal for clarification may be taken to the zoning board of appeals.

(Ord. of 6-4-2001, § 1.5)

Sec. 42-37. Zoning annexed property.

All applications to annex property into the town shall be submitted first to the town planning commission for a zoning designation. Representatives of the annexed property may request a zoning classification at the time of annexation, but it must be reviewed by the commission, which shall submit its recommendation as to the type of zoning to be attached to said property to the mayor and town council. The mayor and town council shall make the final determination as to the zoning designation.

(Ord. of 6-4-2001, § 1.6)

Sec. 42-38. Use tables explained; key to table abbreviations.

(a) The uses permitted in the several zoning districts established by article I of this chapter, the off-street parking requirements, and the dimensional requirements of each district are set forth in this article. These requirements are presented through the use of tables in sections 42-39 and 42-40.

(b) Table 1 sets forth the use and off-street parking requirements for all districts. Table 2 in section 42-40 sets forth lot area, yard, setback, and height requirements for all districts.

(c) Where the symbol "P" is shown on table 1 in section 42-39, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this chapter.

(d) Where the symbol "C" is shown, the use to which it refers is conditionally permitted in the indicated district, subject to applicable conditions and requirements contained in article II, division 2, of this chapter, which requirements are referenced by a section number following each conditionally permitted use.

(e) Where the symbol "N" is shown on the table, the use to which it refers is not permitted in the indicated district.

(f) Where a use is not specifically listed on the table, it shall be understood that the use may be allowed if it is determined by the zoning administrator that the use is similar to other uses listed. It is further recognized that every conceivable use cannot be identified on the table, and anticipating that new uses will evolve over time, this section establishes the administrator's authority to compare a proposed use and measure it against those listed on the table for determining similarity. In determining similarity, the administrator shall make all of the following findings:

- (1) The proposed use shall meet the intent of, and be consistent with the goals, objectives and policies of the comprehensive plan;
 - (2) The proposed use shall meet the stated purpose and general intent of the district in which the use is proposed to be located;
 - (3) The proposed use shall not adversely impact public health, safety, and general welfare; and
 - (4) The proposed use shall share characteristics common with, and not be of greater intensity, density, or generate more environmental impact, than those listed in the district in which it is to be located.
- (Ord. of 6-4-2001, §§ 2.1, 2.2)

ZONING

see ~~12-53~~ *Must have Certificate*

Sec. 42-39. Table 1—Permitted and conditional uses and off-street parking.

The following table sets forth permitted and conditional uses as well as requirements for off-street parking in each district:

TABLE 1—PERMITTED AND CONDITIONAL USES AND OFF-STREET PARKING

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
<i>Residential Uses</i>									
Single-family detached	P	P	P	P	N	P	N	P	2.0 spaces per unit
Duplex	P	P	P	P	N	P	N	P	2.0 spaces per unit
Multifamily apartments (Sec. 42-72)	N	C	N	N	C	N	N	<i>C</i>	2.0 spaces per unit <i>Ord 2022-02</i>
Townhouses (Sec. 42-73)	N	C	C	C	N	N	N	C	2.0 spaces per unit
Patio homes (Sec. 42-74)	N	C	C	C	N	N	N	C	2.0 spaces per unit
Residentially designed manufactured homes (Sec. 42-75)	N	N	C	N	N	N	N	N	2.0 spaces per unit
Standard designed manufactured home (Sec. 42-75)	N	N	C	N	N	N	N	N	N/A
Manufactured home parks	N	N	N	N	N	N	N	N	N/A
Modular homes	P	P	P	P	N	P	N	P	2.0 spaces per unit
<i>Single family apts</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>C</i>	<i>N</i>	<i>N</i>	<i>N</i>	

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
Residential and senior citizen care homes and facilities (Sec. 42-72)	N	C	C	C	N	C	N	C	0.4 per bed
Roominghouses, dormitories & group occupied dwellings (Sec. 42-72)	N	C	N	N	N	N	N	N	1.0 per bedroom
<i>Accessory Uses to Residential Uses</i>									
Bathhouses & cabanas	P	P	P	P	P	P	P	P	NONE
Domestic animal shelters	P	P	P	P	P	P	P	P	NONE
Accessory apartments (Sec. 42-76)	P	C	C	C	N	N	N	C	1.0 space per unit
Noncommercial greenhouses	P	P	P	P	P	P	P	P	NONE
Private garage & carport	P	P	P	P	P	P	P	P	NONE
Storage building	P	P	P	P	P	P	P	P	NONE
Swimming pool, tennis courts	P	P	P	P	P	P	P	P	NONE
Auxiliary shed, workshop	P	P	P	P	P	P	P	P	NONE

Approved

ZONING

§ 42-39

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
Home occupations (Sec. 42-77)	C	C	C	C	P	P	P	C	NONE
Horticulture, gardening	P	P	P	P	P	P	P	P	NONE
Family day care home	P	P	P	P	P	P	P	P	NONE
Satellite dishes, etc.	P	P	P	P	P	P	P	P	NONE
<i>Agricultural Uses</i>									
Crop farming	P	N	P	N	N	N	P	N	NONE
Horses & barns (Sec. 42-78)	C	N	C	N	N	N	N	N	NONE
Livestock, poultry, swine & goats	N	N	N	N	N	N	N	N	NA
Landscaping & horticulture	N	N	N	N	P	P	P	P	1.0 per 1,000 sq. ft. GFA
Veterinary services	N	N	N	N	N	P	N	P	1.0 per 350 sq. ft. GFA
<i>Construction Uses</i>									
Building construction-general and special trade contractors	N	N	N	N	N	P	P	P	1.0 per 1,000 sq. ft. GFA
Heavy construction other than building construction contractors	N	N	N	N	N	N	P	N	1.0 per 1,000 sq. ft. GFA
Solar panels	P	P	P	P	P	P	P	P	
Roof Top ONLY									

EDGEFIELD CODE

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
<i>Manufacturing Uses</i>									
Food & kindred products	N	N	N	N	N	N	P	N	1.0 per 500 sq. ft. GFA
Textile mill products	N	N	N	N	N	N	P	N	1.0 per 500 sq. ft. GFA
Apparel & other finished prod. made from fabric & similar material	N	N	N	N	N	N	P	N	1.0 per 500 sq. ft. GFA
Lumber & wood products, except furniture	N	N	N	N	N	N	P	N	1.0 per 500 sq. ft. GFA
Furniture & fixtures	N	N	N	N	N	N	P	N	1 per 500 sq ft GFA
Printing, publishing, & allied industries	N	N	N	N	P	P	P	P	1.0 per 500 sq. ft. GFA
Stone, clay, glass, & concrete prods.	N	N	N	N	N	N	P	N	1.0 per 1,000 sq. ft. GFA
Fabricated metal products, except machinery & transportation equip.	N	N	N	N	N	N	P	N	1.0 per 500 sq. ft. GFA
Industrial & commercial machinery & computer equipment	N	N	N	N	N	N	P	N	1.0 per 500 sq. ft. GFA

ZONING

§ 42-39

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
Electronic & other electrical equip. & components, except computer equip.	N	N	N	N	N	N	P	N	1.0 per 500 sq. ft. GFA
Measuring, analyzing, & controlling instruments; photographic, medical, optical goods; watches & clocks	N	N	N	N	N	N	P	N	1.0 per 500 sq. ft. GFA
<i>Transportation, Communications & Utilities</i>									
Motor freight transport. & warehouses	N	N	N	N	N	P	P	P	1.0 per 500 sq. ft. GFA
Mini-warehouses	N	N	N	N	N	P	P	P	1.0 per 6 storage units
U.S. Postal Service	N	N	N	P	P	P	P	P	1.0 per 250 sq. ft. GFA
Public transportation services, facilities	N	N	N	N	P	P	N	N	1.0 per 500 sq. ft. GFA
Communication, (except towers)	N	N	N	N	P	P	P	P	1.0 per 500 sq. ft. GFA
Communication towers & ant. (Sec. 42-79)	N	N	N	N	N C	C	C	C	NONE
Electric generation & facilities	N	N	N	N	N	P	P	N	1.0 per 500 sq. ft. GFA

EDGEFIELD CODE

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
Propane gas storage	N	N	N	N	N	P	P	N	1.0 per 500 sq. ft. GFA
Water treatment & storage (publicly owned)	P	P	P	P	N	P	P	P	1.0 per 500 sq. ft. GFA
Sewage treatment (publicly owned)	N	N	C	N	N	P	P	P	1.0 per 500 sq. ft. GFA
Refuse systems/facilities	N	N	N	N	N	P	P	N	1.0 per 500 sq. ft. GFA
Recyclable collection	N	N	N	N	N	P	P	N	1.0 per 50 sq. ft. GFA
Air conditioning supplies	N	N	N	N	P	P	P	P	1.0 per 500 sq. ft. GFA
Wholesale trade	N	N	N	N	P	P	P	P	1.0 per 5,000 sq. ft. GFA
<i>Retail Trade</i>									
Lumber & building materials	N	N	N	N	N	P	N	P	1.0 per 1,000 sq. ft. GFA
Paint, glass, & wall-paper	N	N	N	N	P	P	N	P	1.0 per 1,000 sq. ft. GFA
Hardware stores	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Retail nurseries, lawn, & garden supply	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Mobile home dealers	N	N	N	N	N	P	N	N	1.0 per 600 sq. ft. GFA
General merchandise stores	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA

ZONING

§ 42-39

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
Food stores	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Motor vehicle dealers	N	N	N	N	N	P	N	N	1.0 per 600 sq. ft. GFA
Auto, home supply stores	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Gasoline service stations	N	N	N	N	P	P	N	P	1.0 per 600 sq. ft. GFA
Truck stops	N	N	N	N	N	P	N	N	NA
Boat dealers	N	N	N	N	N	P	N	N	1.0 per 600 sq. ft. GFA
Recreational vehicle dealers	N	N	N	N	N	P	N	N	1.0 per 600 sq. ft. GFA
Motorcycle dealers	N	N	N	N	N	P	N	N	1.0 per 600 sq. ft. GFA
Apparel & accessory stores	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Home furniture, furnishings, & equip. stores	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Eating place—food & drink; restaurants	N	N	N	N	P	P	P	P	1.0 per 150 sq. ft. GFA
Drinking places—bars, lounges, night-clubs	N	N	N	N	P	P	N	N P	1.0 per 150 sq. ft. GFA
Drug & proprietary	N	N	N	P	P	P	N	P	1.0 per 350 sq. ft. GFA
Liquor stores	N	N	N	N	P	P	N	N	1.0 per 350 sq. ft. GFA

EDGEFIELD CODE

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
Used merchandise, except pawnshops and flea markets	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Pawnshops	N	N	N	N	N	P	N	N	
Flea markets (enclosed buildings only)	N	N	N	N	N	P	N	P	1.5 per stall
Sporting goods & bicycle shops	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Book stores	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Stationary shops	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Jewelry stores	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Hobby, toy, & game shops	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Camera & photography supply	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Gift, novelty, & souvenir shops	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Luggage & leather goods stores	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Sewing, needle & piece goods	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Non-store retailers	N	N	N	N	P	P	N	P	1.0 per 500 sq. ft. GFA
Fuel dealers	N	N	N	N	N	P	N	N	1.0 per 500 sq. ft. GFA

ZONING

§ 42-39

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
Gravestones, monuments	N	N	N	N	N	P	P	N	1.0 per 500 sq. ft. GFA
Sexually oriented businesses (Sec. 42-80)	N	N	N	N	N	C N	N C	N	N/A
Fireworks stores	N	N	N	N	N	P	N	N	1.0 per 350 sq. ft. GFA
Retail uses not listed above	N	N	N	N	P	P	N	N	1.0 per 350 sq. ft. GFA
<i>Finance, Insurance, & Real Estate</i>									
Banks, mortgage, brokerage & credit institutions	N	N	N	P	P	P	P	P	1.0 per 350 sq. ft. GFA
Insurance carriers	N	N	N	P	P	P	P	P	1.0 per 350 sq. ft. GFA
Real estate	N	N	N	P	P	P	P	P	1.0 per 350 sq. ft. GFA
<i>Personal Services</i>									
Bed & breakfast inns (Sec. 42-81)	C	C	C	C	P	P	N	P	
Hotels & motels	N	N	N	N	P	P	N	N P	1.5 per rental unit
Laundry, cleaning, & garment services	N	N	N	N	N	P	N	P	1.0 per 500 sq. ft. GFA
Photographic studios, portraits	N	N	N	P	P	P	N	P	1.0 per 300 sq. ft. GFA
Beauty shops	N	N	N	N	P	P	N	P	2.5 per chair or basin
Barbershops	N	N	N	N	P	P	N	P	2.5 per chair or basin
Shoe repair	N	N	N	N	P	P	N	P	1.0 per 300 sq. ft. GFA

EDGEFIELD CODE

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
Funeral homes	N	N	N	N	P	P	N	P	5.0, plus 1.0 per 2 seats main hall
Cemeteries (permitted accessory to church)	N	N	N	N	N	N	N	N	NONE
Crematories	N	N	N	N	N	N	P	N	NA
Misc. personal services	N	N	N	N	P	P	N	P	1.0 per 300 sq. ft. GFA
Business & auto services									
Advertising agencies	N	N	N	P	P	P	P	P	1.0 per 600 sq. ft. GFA
<i>Signs (See article IV)</i>									
Reproduction, mailing, graphical arts	N	N	N	P	P	P	P	P	1.0 per 600 sq. ft. GFA
Equipment rental	N	N	N	N	P	P	N	P	1.0 per 600 sq. ft. GFA
Offices	N	N	N	P	P	P	P	P	1.0 per 600 sq. ft. GFA
Computer programming, data processing	N	N	N	P	P	P	P	P	1.0 per 600 sq. ft. GFA
Junk & salvage yards	N	N	N	N	N	N	N	N	1.0 per 100 sq. ft. GFA
Auto repair, leasing, service	N	N	N	N	N	P	N	P	1.0 per 400 sq. ft. GFA
Miscellaneous Repairs	N	N	N	N	P	P	N	P	1.0 per 400 sq. ft. GFA

ZONING

§ 42-39

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
<i>Amusement & Recreation Services</i>									
Dance studio & schools	N	N	N	P	P	P	N	P	1.0 per 200 sq. ft. GFA
Theatrical producers	N	N	N	N	P	P	N	P	1.0 per 300 sq. ft. GFA
Bowling centers	N	N	N	N	N	P	N	P	1.0 per 350 sq. ft. GFA
Miscellaneous amusement	N	N	N	N	P	P	N	P	1.0 per 250 sq. ft. GFA
Physical fitness facilities	N	N	N	P	P	P	N	P	1.0 per 300 sq. ft. GFA
Public golf courses	P	P	P	N	N	P	N	N	5.0 per hole
Coin operated amusements	N	N	N	N	P	P	N	P	1.0 per 350 sq. ft. GFA
Amusement services	N	N	N	N	P	P	N	P	1.0 per 250 sq. ft. GFA
Recreational, golf, tennis, & swimming clubs	P	P	P	P	N	P	N	P	1.0 per 4 members
Video tape rental	N	N	N	N	P	P	N	P	1.0 per 300 sq. ft. GFA
Public parks & play-grounds	P	P	P	P	P	P	P	P	Review of zoning administrator
<i>Health Services</i>									
Offices & clinics of doctors	N	N	N	P	P	P	N	P	1.0 per 150 sq. ft. GFA
Offices & clinics of dentists	N	N	N	P	P	P	N	P	1.0 per 150 sq. ft. GFA

* see insert for conditions

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
Offices & clinics of other health practitioners	N	N	N	P	P	P	N	P	1.0 per 150 sq. ft. GFA
Hospitals & skilled nursing facilities	N	N	N	P	N	P	N	N	0.7 per bed
Medical & dental laboratories	N	N	N	P	P	P	P	N	1.0 per 500 sq. ft. GFA
Misc. health & allied services	N	N	N	P	P	P	N	P	1.0 per 500 sq. ft. GFA
Legal services *	N	N	N	P	P	P	N	P	1.0 per 350 sq. ft. GFA
<i>Educational Services</i>									
Elementary schools	P	P	P	P	N	P	N	P	2.0 per classroom, plus 5 administrative spaces
Secondary schools	P	P	P	P	N	P	N	P	2.0 per classroom, plus 2 per admin. Office
Colleges, universities, professional schools	N	N	N	P	P	P	P	P	5.0 per classroom, plus 2 per admin. Office
Libraries	N	N	N	P	P	P	P	P	1.0 per 350 sq. ft. GFA
Vocational schools	N	N	N	P	P	P	P	P	5.0 per classroom, plus 2 per admin. Office

ZONING

§ 42-39

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
Other schools & educational services.	N	N	N	P	P	P	N	P	5.0 per classroom, plus 2 per admin. Office
<i>Social Services</i>									
Individual & family social services	N	N	N	P	P	P	N	P	1.0 per 350 sq. ft. GFA
Job training & vocational rehabilitation services	N	N	N	P	P	P	P	P	1.0 per 350 sq. ft. GFA
Day care services	N	N	N	P	N	P	N	P	1.0 per 200 sq. ft. GFA
Other social services	N	N	N	P	P	P	N	P	1.0 per 500 sq. ft. GFA
Museums, art galleries *	N C	N	N	P	P	P	N	P	1.2 per 1,000 sq. ft. GFA
<i>Miscellaneous Services</i>									
Fraternal, professional, political, civic and business organizations	N	N	N	P	P	P	P	P	1.0 per 250 sq. ft. GFA
Religious organizations	P	P	P	P	P	P	P	P	1.0 per 250 sq. ft. GFA
Engineering, accounting, research mgt. & related services	N	N	N	P	P	P	P	P	1.0 per 350 sq. ft. GFA

EDGEFIELD CODE

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
Other services, i.e., artists, authors, geologists, etc.	N	N	N	P	P	P	P	P	1.0 per 350 sq. ft. GFA
<i>Executive, Legislative, & General Government</i>									
Courts	N	N	N	N	P	P	N	N	1.0 per 350 sq. ft. GFA
Public order & safety institutions	P	P	P	P	P	P	P	P	1.0 per 350 sq. ft. GFA
Correctional institutions	N	N	N	N	P	P	P	N	1.0 per jail cell, plus 1.0 per 250 sq. ft. GFA
Fire protection	P	P	P	P	P	P	P	P	4.0 per bay
Public finance, taxation, & monetary policy	N	N	N	P	P	P	N	P	1.0 per 350 sq. ft. GFA
Administration & human resources	N	N	N	P	P	P	N	P	1.0 per 350 sq. ft. GFA
Administration of environmental quality & housing programs	N	N	N	P	P	P	N	P	1.0 per 350 sq. ft. GFA
Administration of economic programs	N	N	N	P	P	P	P	P	1.0 per 350 sq. ft. GFA
<i>Accessories to Nonresidential Uses</i>									
Buildings, structures	NA	P	P	P	P	P	P	P	NONE
Open storage	NA	N	N	N	N	N	N	N	NA

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	Required Off-Street Parking Space (a)
Temporary uses (Sec. 42-41)	C	C	C	C	C	C	C	C	By review of zoning administrator

(Ord. of 6-4-2001, § 2.3; Ord. No. 2002-05, § 1, 10-7-2002; Ord. No. 2009-02, § 1, 3-2-2009)

Sec. 42-40. Table 2—Area, setback, and height requirements.

The following table sets forth requirements for lot area, yard, setbacks and height for each district:

TABLE 2—AREA, SETBACK, AND HEIGHT REQUIREMENTS

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1
Minimum Lot Area								
Residential area (sq. ft.)	12,000	(D)	(D)	(D)	NA	10,000	10,000	5,000
Nonresidential area (sq. ft.)	12,000	(D)	(D)	(D)	NA	10,000	10,000	5,000
Minimum Yard & Building Setback (A)								
Front	30	30	30	30	(G)	30	30	30
Side								
Residential	10	(E)	(E)	(E)	NA	8	NA	8
Nonresidential	20	20	20	10	None	10	10	6
Rear								
Residential	20	(F)	15	15	NA	20	NA	20
Nonresidential	50	40	40	25	20	20	20	20
Buffer area	(H)	(H)	(H)	(H)	(H)	(H)	(H)	(H)
Maximum density (B)	2.5	12	6	6	12	4	NA	7

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1
Maximum height (ft.) (C)	35	(I) 4 stories	35	(I) 4 stories	(I) 4 stories	(I) 4 stories	(I) 4 stories	(I) 4 stories

Table notes—Refer to section 42-43 for yard and setback modifications.

Table References

- A Measurement from property line
- B Number of units per acre
- C Measurement from average elevation of the finished grade at the building line to the highest point on the roof
- D 10,000 sq. ft. for one-family dwelling; 4,000 sq. ft. for each additional dwelling unit
- E Eight feet single-family, duplex and patio homes; ten feet for end unit of townhouse; 20 feet for multifamily housing
- F 40 feet multifamily; 15 feet all other residential uses
- G None, provided a minimum six-foot-wide sidewalk is provided across the entire building frontage
- H Minimum setback requirements are subject to increase based on buffer area requirements of division 2 of article III of this chapter
- I Not to exceed 50 feet.
- NA Not applicable

(Ord. of 6-4-2001, § 2.3; Ord. No. 2001-10, § 1, 12-3-2001; Ord. No. 2009-02, § 2, 3-2-2009)

STATE OF SOUTH CAROLINA)
COUNTY OF EDGEFIELD)
TOWN OF EDGEFIELD)

ORDINANCE NO. 2016-01

AN ORDINANCE TO AMEND SECTION 42-39 OF THE ZONING ORDINANCE FOR THE TOWN OF EDGEFIELD ADOPTED 2013, TABLE 1, PERMITTED AND CONDITIONAL USES AND OFF STREET PARKING

WHEREAS, the Edgefield Town Council adopted an updated zoning ordinance on March 3, 2014; and

WHEREAS, the Edgefield Town Council deems it necessary to make changes to the ordinance for the best interest of our town citizens when recommended by the Planning and Zoning Commission; and

WHEREAS, Per the Planning and Zoning Commission's recommendation, Section 42-39, Table 1, Permitted and Conditional Uses and Off Street Parking, will be changed to read as follows:

**Communication Towers & Ant. (Sec. 42-79)
Conditional being for Government Offices Only**

B-1 Changes from N to C

Drinking Places, Bars, Lounges, Night Clubs

D-1 Changes from N to P

Sexually Oriented Businesses (Sec 42-80)

**B-2 Changes from C to N and
B-3 Changes from N to C**

Hotels & Motels

D-1 Changes from N to P

***Legal Services**

R-1 Changes from N to C

Conditional being the physical address must be Main Street and may only have a wall sign not to exceed 12 x 12

***Museums, Art Galleries**

R-1 Changes from N to C

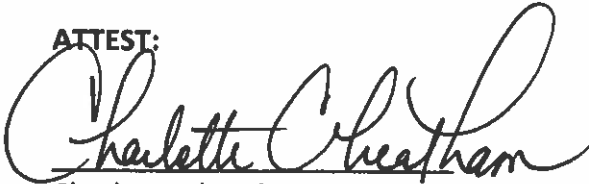
Conditional being the physical address must be Main Street and may only have a wall sign not to exceed 12 x 12

NOW THEREFORE, BE IT ORDAINED, by the Edgefield Town Council of the Town of Edgefield, Edgefield, SC in a meeting duly assembled to change the Zoning Ordinance of the Town of Edgefield, Section 42.39, Table 1, Permitted and Conditional Uses and Off Street Parking as recommended the Planning and Zoning Commission as written above adopted this 7th day of March, 2016.



W. Ken Durham, Mayor

ATTEST:



Charlotte Cheatham, MMC
Town Clerk – Treasurer

First Reading: February 1, 2016

Public Hearing: March 7, 2016

Second Reading and Adoption: March 7, 2016

Sec. 42-41. Temporary uses.

(a) *Permit required.* The zoning administrator is authorized to issue a permit for temporary uses as specified in this chapter. No temporary use may be established without receiving such permit.

(b) *Type and location.* The following temporary uses and no others may be permitted, subject to the conditions herein:

- (1) Except in residential districts, tents or other temporary structures are allowed for a period not to exceed 45 days, at intervals of not less than 60 days.
- (2) Contractor's office and equipment shed are allowed in any district for a period covering construction phase of a project not to exceed one year unless re-permitted; provided that such office is placed on the property to which it is appurtenant.
- (3) Portable classrooms are allowed for cultural or community facilities, educational facilities, or religious complexes, for an indefinite period, provided all required setbacks for the district in which the structures are to be located are met, and the portable structure shall be located on the same site as the principal structure.

(c) *Removal.* Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.

(Ord. of 6-4-2001, § 3.11)

Sec. 42-42. Combined use of space to meet minimum requirements prohibited.

No part of a yard, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this chapter shall be included as part or all of the required yard, open space, or off-street parking for another building or structure, unless otherwise specifically provided in this chapter.

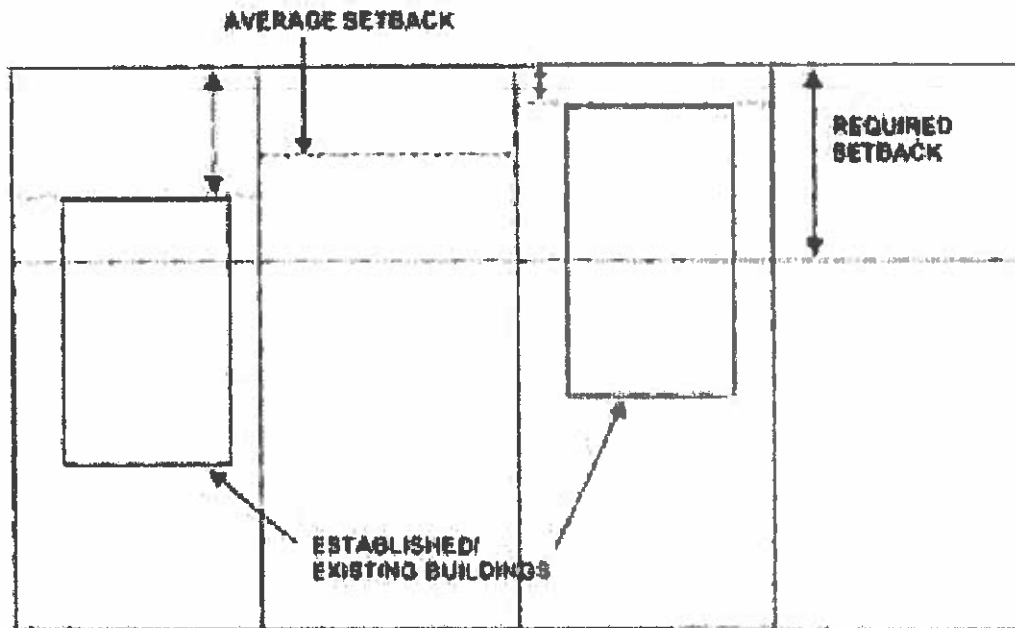
(Ord. of 6-4-2001, § 7.1)

Sec. 42-43. Additional setback requirements.

(a) *Corner lots.* The setback from the street upon which the principal building will face shall be the minimum required front yard. The setback from the street upon which the side of the building will face shall be the minimum required front yard setback for the street upon which it is contiguous.

(b) *Through or double frontage lots.* Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.

(c) *Partially developed areas.* Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than five feet from the average depth of said existing front yard setbacks without written approval of contiguous property owners.



Established Building Lines Front Yard Reduction

(d) *Multiple buildings on lot.* Except as otherwise specifically provided in this chapter, whenever more than one building is to be located on a lot, the required yards shall be maintained around the group of buildings, and buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building.

(Ord. of 6-4-2001, § 7.2)

Sec. 42-44. Exceptions to height limitations.

(a) The height limitations of this chapter shall not apply to the following:

- (1) Belfries.
- (2) Chimneys.
- (3) Cupolas.
- (4) Church spires.
- (5) Domes.
- (6) Elevated water tanks.
- (7) Flag poles.
- (8) Ornamental towers and spires.
- (9) Public monuments.
- (10) Public utility poles.
- (11) Smoke stacks.

(b) Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

(Ord. of 6-4-2001, § 7.2)

Sec. 42-45. Projections.

(a) The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.

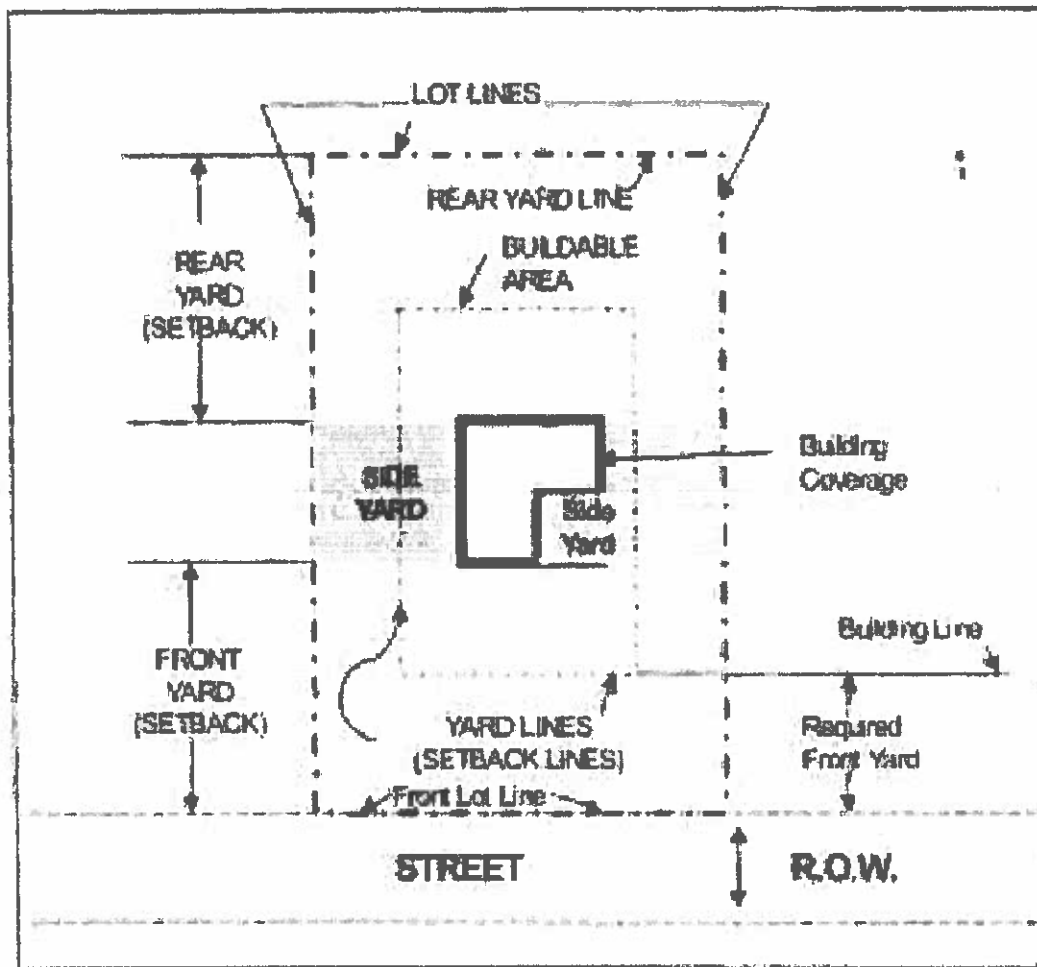
(b) Steps and heating and cooling units may project into a required yard a distance not to exceed five feet, but no closer than three feet of a property line.

(Ord. of 6-4-2001, § 7.2)

Sec. 42-46. Method of measuring yards, setbacks, buildable area and structure height.

(a) *Yards, setbacks, buildable area.* The required front, side, and rear yards for individual lots, as set forth by table 2 in section 42-40, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have

been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "buildable" area within which the approved structure(s) shall be placed.



(b) *Height.* The height of a building or structure shall be measured from the base of the structure to the highest point of the building or structure. (Ord. of 6-4-2001, § 7.3)

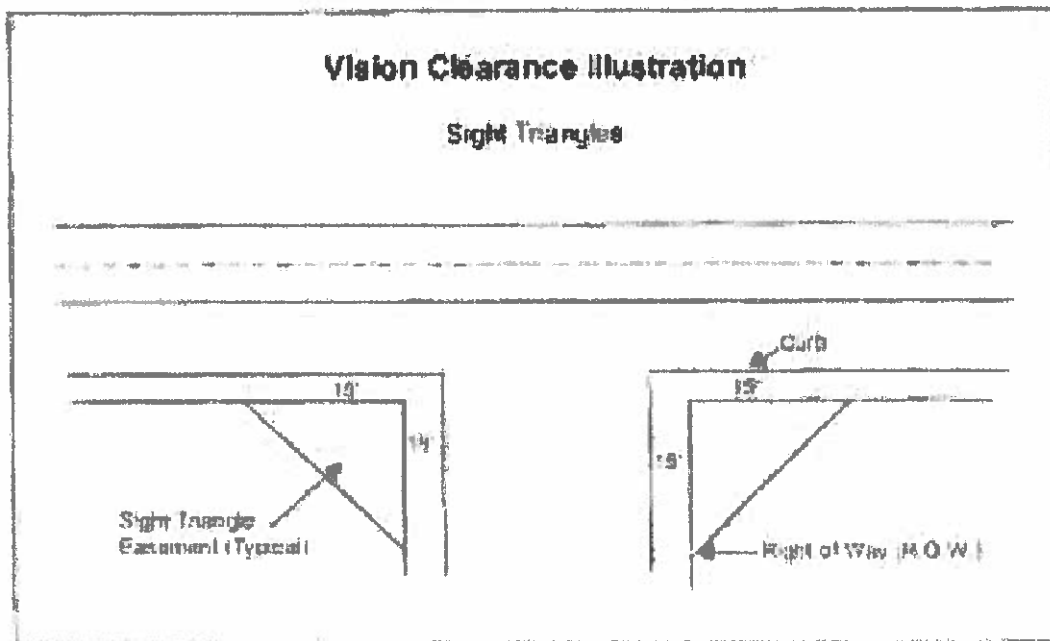
Sec. 42-47. Number of principal structures or uses on lots.

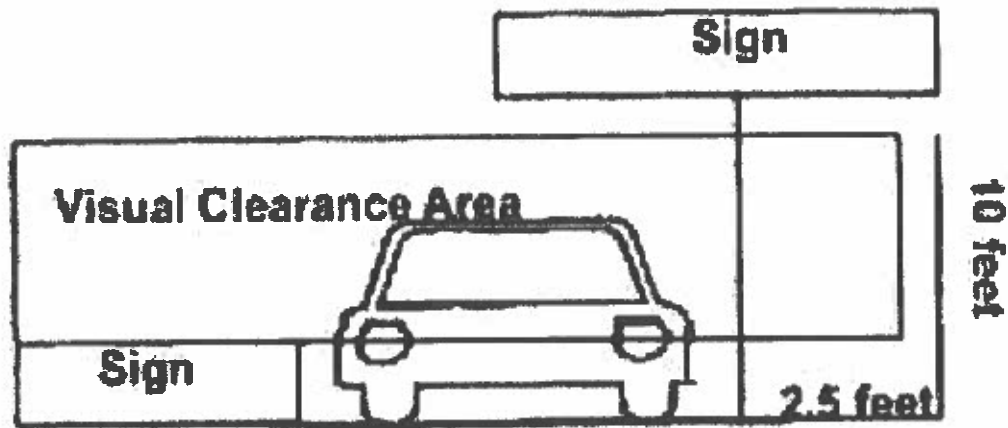
(a) No more than one single-family dwelling, residentially designed manufactured home or duplex shall be allowed on a single lot or parcel.

(b) There is no limit on the number of other principal buildings or uses, provided all setback and other applicable requirements of this chapter are met. (Ord. of 6-4-2001, § 7.4)

Sec. 42-48. Visibility at intersections.

On any corner lot in any district, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of 2½ feet and ten feet above the upper face of the nearest curb (or street centerline if no curb exists) and within the triangular area bounded on two sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the following vision clearance illustrations. However, poles and support structures less than 12 inches in diameter may be permitted in such areas.





(Ord. of 6-4-2001, § 7.5)

Secs. 42-49—42-70. Reserved.

DIVISION 2. SPECIFIC CONDITIONAL USES

Sec. 42-71. Purpose.

The regulations contained in this article are intended to reduce the impact and improve the siting of uses, buildings, and projects whose design or operational characteristics could adversely affect surrounding property and environmental conditions. To this end, standards and criteria over and above those set forth elsewhere in this chapter are imposed in this article on all conditional uses listed in table 1, section 42-39.

(Ord. of 6-4-2001, art. 3(intro.))

Sec. 42-72. Multifamily housing, residential care and group occupied housing, *and apartments*

Multifamily housing projects consisting of five or more units or two or more residential care facilities, dormitories, roominghouses or group occupied dwellings designed to accommodate 20 or more individuals shall meet the following design standards:

- (1) Buildings shall be set apart not less than 40 feet.

- (2) Not less than 25 percent of the project site shall be designated, landscaped and permanently reserved as usable common open space.
 - (3) Buildings shall not exceed 120 feet from end to end, *unless it involves the reuse of an existing bldg.*
 - (4) Multiple buildings shall be oriented toward common open space, away from adjacent single-family residential uses and off-street parking areas.
 - (5) Trash receptacles shall be oriented away and screened from adjacent residential uses.
 - (6) Multifamily units ~~/apartments/~~ in the B-1 district shall not be permitted at street level, but restricted to upstairs or second story level over a commercial or business use shall meet the off-street parking requirements of section 42-352, and shall be accessible from at least one rear or side building entrance.
- (Ord. of 6-4-2001, § 3.1)

Sec. 42-73. Townhouses.

Due to the unique design feature of townhouses, the following supplemental design requirements shall apply:

- (1) Townhouse projects shall have a minimum of 1.5 acres and a minimum lot area of 2,000 square feet.
- (2) Minimum lot width shall be 18 feet.
- (3) Setbacks otherwise applicable may be reduced by up to 50 percent provided a buffer or privacy fence is installed on the rear and side property lines.
- (4) Not more than six or fewer than three townhouses may be joined together with approximately the same (but staggered) front alignment.
- (5) Minimum distance between rows of buildings shall be not less than 20 feet.
- (6) Sidewalks not less than six feet in width shall be provided along the front property line of each project and along any side or rear lot lines fronting on a public street.

- (7) Projects consisting of 20 or more units shall devote, designate and landscape not less than 15 percent of the project site as usable common open space.

(Ord. of 6-4-2001, § 3.2; Ord. No. 2009-02, § 3, 3-2-2009)

Sec. 42-74. Patio and zero lot line housing.

Due to the unique design features of patio and zero lot line housing, the following supplemental design requirements shall apply:

- (1) Such projects shall have a minimum of 1.5 acres.
- (2) Minimum lot area shall be 3,000 square feet per unit.
- (3) Minimum lot width shall be 40 feet.
- (4) Where a unit is to be constructed at or on the property line, a five-foot private maintenance easement shall be provided on the adjoining lot.
- (5) At least one side yard extending not less than six feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of six feet.

(Ord. of 6-4-2001, § 3.3)

Sec. 42-75. Manufactured housing.

(a) In order to secure electricity, manufactured housing, including homes sited for the first time or homes involving a change in location, where permitted by this chapter, shall:

- (1) Bear a seal showing compliance with the Federal Manufactured Housing Construction and Safety Standards Code (245 CFR 3280), enacted June 15, 1976. Alternatively, the homeowner shall provide a letter from a manufactured home repair contractor licensed by the State of South Carolina certifying that the unit is retrofitted to these standards.
- (2) Be installed in accordance with the regulations of the South Carolina Manufactured Housing Board, S.C. Code Regs. § 79-1 et seq.; specifically:
 - a. *Foundations.* Foundations shall be installed in accordance with, and by personnel licensed in accordance with, the National Manufactured Housing Construction and Safety Act of 1974, 42 USC 5401

et seq., and regulations promulgated thereunder, all as adopted by the South Carolina Manufactured Housing Board in S.C. Code Regs. §§ 79-40 through 79-43.

- b. *Tie-down anchors.* Ground anchors shall be installed in accordance with, and by personnel licensed in accordance with, the National Manufactured Housing Construction and Safety Act of 1974, 42 USC 5401 et seq., and regulations promulgated thereunder, all as adopted by the South Carolina Manufactured Housing Board in S.C. Code Regs. §§ 79-40 through 79-43.
- c. *Curtain walls and final installation.*
 1. Curtain walls (commonly referred to as skirting or underpinning) shall be installed in accordance with manufacturer's installation instructions and regulations promulgated by the state manufactured housing board.

2. Skirting materials may consist of vinyl, wood, metal or masonry. Curtain walls shall be secured as necessary to ensure stability, to minimize vibrations, minimize susceptibility to wind damage, and to compensate for possible frost heave.
 3. Access openings not less than 24 inches in any dimension and not less than three square feet in area shall be provided and shall be located so that any water supply and sewer drain connections located under the manufactured home are accessible for inspection. Such access panels or doors shall be fastened in a manner that does not require the use of special tools to remove or open same.
 4. Before installation of curtain walls, all debris and grass shall be removed from beneath the manufactured home.
 5. Tongues, drawbars and running gear must be removed from the unit.
- d. Steps and landings.
1. Each exterior door shall have a landing or porch area with minimum measurements of 36 inches by 36 inches.
 2. The minimum width of stairway treads shall be 36 inches. If the exterior door is 30 inches or more above the ground, handrails must be installed.
 3. Metal or wood stairs shall be securely anchored to the ground.
 4. Concrete masonry unit (CMU) steps must be constructed with standard masonry joints consisting of masonry cement.

(b) All manufactured homes brought into the town must provide a safe and sanitary living environment. Accordingly, this section requires compliance with minimum habitability requirements of the state manufactured housing board

(Ord. of 6-4-2001, §§ 3.4-1, 3.4-2)

Sec. 42-76. Accessory apartments.

Accessory apartments, where permitted as conditional uses, shall meet the following conditions:

- (1) The principal structure (dwelling) must be owner occupied.

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- (2) The apartment, whether attached or detached, cannot exceed 50 percent gross floor area of the principal dwelling, or contain more than two bedrooms.
- (3) The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
- (4) An accessory apartment may be accessory only to a single-family dwelling, and not more than one apartment shall be allowed per dwelling lot.
- (5) Minimum lot size shall be at least 50 percent greater than the minimum lot requirement for the district in which the apartment is to be located.
- (6) The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be set back not less than 20 feet from the principal dwelling.
- (7) A third off-street parking space shall be required.
- (8) Neither the primary nor the accessory apartment shall be a manufactured home.

(Ord. of 6-4-2001, § 3.5)

Sec. 42-77. Home occupations.

Home occupations, as defined by this chapter, shall meet the following requirements, where conditionally permitted by table 1, section 42-39.

- (1) The home occupation shall be carried on wholly within the principal building and shall be properly licensed.
- (2) The floor area dedicated to such use shall not exceed 25 percent of the floor area of the principal dwelling.
- (3) No activity shall be conducted outside, nor shall there be any outdoor storage, display, or refuse area in the yard.
- (4) Not more than one person not residing in the residence shall be employed in the home occupation.
- (5) There is no alteration whatsoever of the residential character of the building and/or premises.
- (6) The occupation, profession, or trade shall generate no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.

(Ord. of 6-4-2001, § 3.6; Ord. No. 2002-05, § 2, 10-7-2002)

Sec. 42-78. Horse-related facilities.

Barns and other horse-related facilities shall meet the following standards and conditions:

- (1) No barns or horse shelters shall be located within 65 feet of a property line and may be located in rear yard setback areas only;
 - (2) The lot or parcel shall have a minimum of one acre for the first horse, plus an additional 20,000 square feet for each additional horse;
 - (3) The premises must be designed and maintained to drain so as to prevent ponding and propagation of insects;
 - (4) The lot must be maintained in a sanitary condition through the proper use of lime and pesticide;
 - (5) The premises must be maintained by keeping manure piles in covered containers at least 50 feet from any dwelling or any pool, patio or other recreational structure on an adjoining lot and at least 25 feet from any property line;
 - (6) All manure must be removed at least once a week so as to prevent propagation of flies and creation of odors;
 - (7) All grain on the lot must be stored in rodent-proof containers;
 - (8) All feed spillage on the lot must be promptly removed so as to prevent attraction of flies, rodents and birds and creation of odors;
- (Ord. of 6-4-2001, § 3.7; Ord. No. 2011-02, 4-4-2011)

Sec. 42-79. Communication towers and antennas.

Where conditionally permitted as a principal use by table 1, section 42-39, communication towers and antennas shall adhere to the following regulations:

- (1) All new towers shall be mounted on mono-poles, without need for guy wires, and shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
- (2) All applicable safety code requirements shall be met, including requirements for lighting, except that strobe lights shall not be permitted.
- (3) Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations. However, if permitted, they shall be done so in muted colors.

- (4) No tower shall be located in any wetlands.
- (5) No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
- (6) Towers or antennas shall be exempt from the maximum height requirements of this chapter; provided such uses shall be set back from adjacent property lines in the R-1, R-2, R-3 and R-4 zoning districts one foot for each one foot in height.
- (7) No advertising of any type may be attached to a communication tower.
- (8) Communication towers shall be removed at the operator's expense within 120 days of the date such tower ceases to be used for its intended purpose.
- (9) Permit requirements for the erection or replacement of a tower or antenna shall be accompanied by the following:
 - a. One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.
 - b. A site plan drawn to scale showing property boundaries, tower location, tower height, anchors, existing structures, fall zone (as determined by a structural engineer, licensed and certified in South Carolina), photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property (site plan is not required if antenna is to be mounted on an approved existing structure).
 - c. A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property.
 - d. Identification of the owners of all antennae and equipment to be located on the site.
 - e. Written authorization from the site owner for the application.

- f. Evidence that a valid FCC license for the proposed activity has been issued.
- g. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
- h. A written agreement to remove the tower and/or antenna within 120 days after cessation of use.
- i. A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the town and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the town.

(Ord. of 6-4-2001, § 3.8)

Sec. 42-80. Sexually oriented businesses.

(a) Owing to potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious affect of such uses on existing businesses and/or residential areas around them, the location of such uses shall be tempered by the supplemental siting criteria of this section.

(b) No such use shall be located within 1,000 feet (measured in a straight line and documented on a map drawn to scale) of:

- (1) A church or religious institution;
- (2) Public or private schools and educational facilities;
- (3) Public parks and recreational facilities;
- (4) Public library, governmental or historical building or marker;
- (5) A cemetery;
- (6) Another sexually oriented business;
- (7) Day care facilities; or
- (8) Residential care homes and facilities.

(c) Except as otherwise specifically provided herein, for purposes of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is

conducted, to the nearest property line of the premises of any land use listed in this section. The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(d) It shall be a misdemeanor for a person to operate a sexually oriented business without compliance with all requirements, including licenses, in chapter 4.

(Ord. of 6-4-2001, §§ 3.9-1, 3.9-2)

Sec. 42-81. Bed and breakfast inns.

Bed and breakfast inns are intended to provide a unique transit lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, bed and breakfast inns, where permitted by this chapter, shall:

- (1) Be located no closer than 400 feet from an existing bed and breakfast inn.
- (2) Be occupied by the resident owner.
- (3) Only be permitted in older residential structures that are recognized as architecturally, historically or culturally significant and that, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambience, character, or economic revitalization of the area and/or continued use of the property in question for residential purposes.
- (4) Serve no scheduled meal other than breakfast.
- (5) Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guestrooms above the number of bedrooms in the original structure.
- (6) Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.
- (7) Provide off-street parking on the basis of one space per guestroom, plus two spaces for the resident innkeeper.

- (8) Be permitted one non-illuminated identification sign, not to exceed four square feet in area.
(Ord. of 6-4-2001, § 3.10)

Secs. 42-82—42-100. Reserved.

DIVISION 3. ACCESSORY USES

Sec. 42-101. Accessory uses to observe required setbacks.

Unless specifically provided herein, accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.
(Ord. of 6-4-2001, § 7.6-1)

Sec. 42-102. Requirements applicable to all accessory uses.

(a) If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 12 feet in height.

(b) No accessory building may be located in a required front yard. Where an accessory building is erected in the required rear yard on a corner lot, it shall not be located closer to any street than the required front yard distance.

(c) No accessory use shall occupy any part of a buffer area.
(Ord. of 6-4-2001, § 7.6-2)

Sec. 42-103. Requirements applicable to specific accessory uses.

Requirements applicable to specific accessory uses are as follows:

- (1) *Off-street parking and loading space.* Paved off-street parking and loading spaces, not to include parking structures, are permitted in all required yards and setback areas, but no closer than five feet to a residential property line and two feet to any other property line.
- (2) *Freestanding signs.* Freestanding signs are permitted in all required yards, but no closer than five feet of a property line.
- (3) *Buildings, sheds, and structures for dry storage; greenhouses.* Building sheds and structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than three feet to a residential property line.

- (4) *Domestic animal shelters and pens.* Domestic animal shelters and pens may be located in rear yard setback areas only, but no closer than ten feet from any side or rear residential property line.
 - (5) *Swimming pools, tennis courts, and recreational uses.* Swimming pools, tennis courts, and recreational uses may be located in required rear yard and setback areas only; provided said uses shall be no closer than ten feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.
 - (6) *Ground supported communication and reception antennas.* Ground supported communication and reception antennas uses may be located in required rear and side yards only, but no closer than five feet to the property line, and, if located in the buildable area, shall not extend or be located in front of any principal building.
 - (7) *Fences and walls.* Fences and walls are allowed within required yards and setback areas and may extend to the property line; provided that when located within a required front yard in a residential district, fences and walls in excess of four feet in height must be of a decorative nature and open design. A chainlink fence in excess of four feet is prohibited in the front yard.
- (Ord. of 6-4-2001, § 7.6-3)

Secs. 42-104—42-120. Reserved.

DIVISION 4. NONCONFORMING USES AND STRUCTURES

Sec. 42-121. Continuation.

Nonconforming uses, buildings, or structures are declared by this chapter to be incompatible with permitted construction in the districts in which they are located; however, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this chapter may be continued (grandfathered) even though such use, building, or structure does not conform with the provisions of this chapter.

(Ord. of 6-4-2001, § 7.7-1)

Sec. 42-122. Modification.

A proposed change or modification of a nonconforming use shall be governed by the following:

- (1) Change of nonconforming use.
 - a. If a change from one nonconforming use to another is proposed and no structural alterations are involved, the change may be permitted, provided:
 1. Nonconformity of dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking shall not be increased; and
 2. The proposed change will have little discernable impact over the existing nonconforming use.
 - b. If a change to a permitted use is proposed which is nonconforming only as to dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking, the change may be permitted, provided that all applicable requirements that can be reasonably complied with are met.
 - c. Compliance with a requirement is not reasonably possible if it cannot be achieved without adding land to the lot of the nonconforming use or moving the use if it is on a permanent foundation.
 - d. Whenever a nonconforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted or nonconforming use.
- (2) *Enlargement or expansion of nonconforming use.* Enlargement or expansion of a nonconforming building, use, or structure shall be permitted, provided such enlargement shall meet all applicable setbacks, buffer area, and off-street parking requirements for the district within which it is located.
- (3) *Repair or alteration of nonconforming use, building, or structure.* The repair or alteration of a nonconforming use shall in no way increase the nonconformity of said use, except as otherwise permitted by subsection (2) of this section.

(4) *Replacement of nonconforming use.*

- a. A building permit for the replacement of a nonconforming building or structure where damaged or destroyed must be initiated within six months of the time of the damage or destruction or forfeit the right of replacement.
- b. Replacement, if initiated within six months of the time of damage or destruction, shall adhere to all applicable requirements of table 2 in section 42-40.
- c. Replacement of a nonconforming mobile or manufactured home once removed from a lot or parcel shall be accomplished within 30 days of removal or forfeit nonconforming status, and if replaced shall not infringe on established setbacks and shall meet in full the requirements of section 42-75.

(Ord. of 6-4-2001, § 7.7-2)

Sec. 42-123. Discontinuance.

No building or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

(Ord. of 6-4-2001, § 7.7-3)

Sec. 42-124. Lots too small to meet setback requirements.

Where the owner of a lot of record as of April 3, 1989, does not own sufficient land to meet the setback requirements of this chapter, such lot may nonetheless be used as a building site, provided applicable setback requirements are not reduced by more than 20 percent. Setback reductions greater than 20 percent shall be referred to the board of zoning appeals for consideration. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this chapter.

(Ord. of 6-4-2001, § 7.7-4)

Secs. 42-125—42-160. Reserved.

ARTICLE III. LANDSCAPING, BUFFERING AND TREE PROTECTION**DIVISION 1. GENERALLY****Sec. 42-161. Intent.**

The regulations contained in this article are intended generally to promote land use compatibility between uncomplimentary and incompatible land uses, create an aesthetically pleasing environment and maximize the retention of trees, a valuable natural resource.

(Ord. of 6-4-2001, art. 4(intro.))

Secs. 42-162—42-180. Reserved.**DIVISION 2. BUFFERING****Sec. 42-181. Defined; purpose.**

(a) The term "buffer area" means a unit of a yard, together with plantings, fences, walls, and other screening devices required thereon.

(b) The purpose of a buffer area is to ameliorate any potential adverse impact between adjacent land uses and streets, and promote land use compatibility.

(Ord. of 6-4-2001, §§ 4.1-1, 4.1-2)

Sec. 42-182. Location.

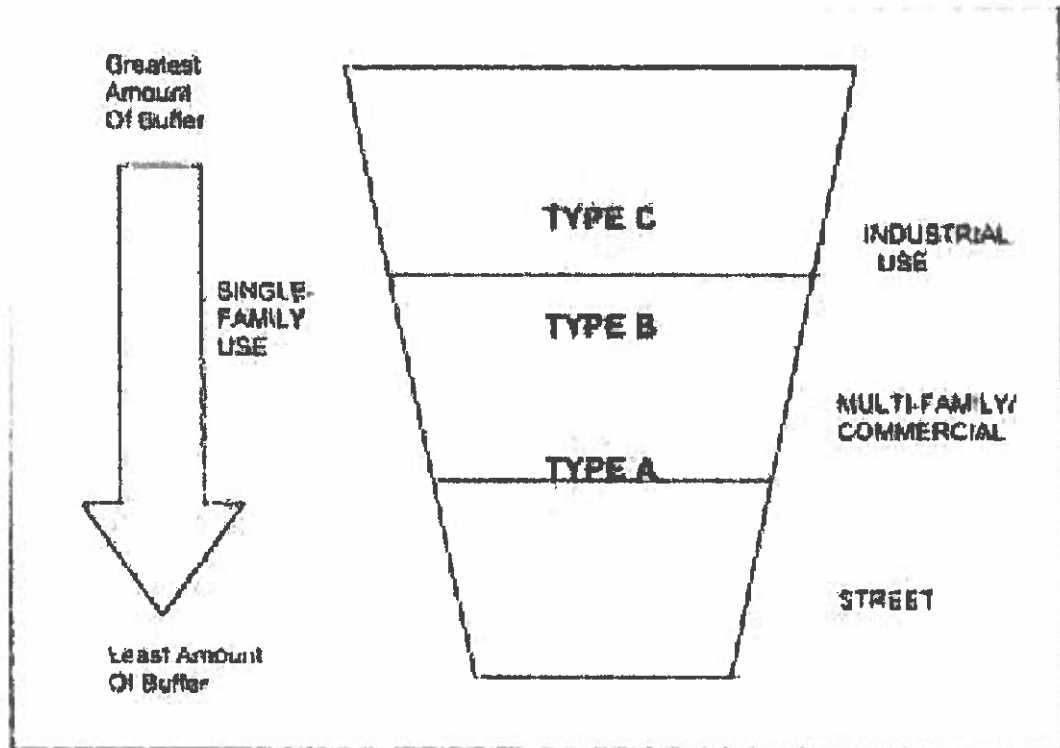
Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. For purposes of complying with this section, they shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any required front, side or rear yard setback. Where specified by this section, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.

(Ord. of 6-4-2001, § 4.1-3)

Sec. 42-183. Buffer types; when buffers required.

Buffer areas shall be required under the following circumstances:

- (1) *Type A buffer area required.* Wherever a multifamily building or non-residential use is proposed, a type A buffer area shall be provided along the street right-of-way boundary of the proposed use, separating it from the adjoining street, except for driveways and uses in the B-1 district.
- (2) *Type B buffer area required.* Wherever a multifamily building, institutional or commercial use is proposed for a site or lot adjoining a single-family residential dwelling in the R-1, R-2, or R-3 districts, with no intervening street, a type B buffer area shall be provided along the boundary of the adjoining residential property line.
- (3) *Type C buffer area required.* Wherever an industrial, warehouse, or related use is proposed for a site or lot adjoining any residential use in the R-1, R-2, or R-3 districts with no intervening street, a type C buffer area shall be provided along the boundary of the adjoining residential property line.

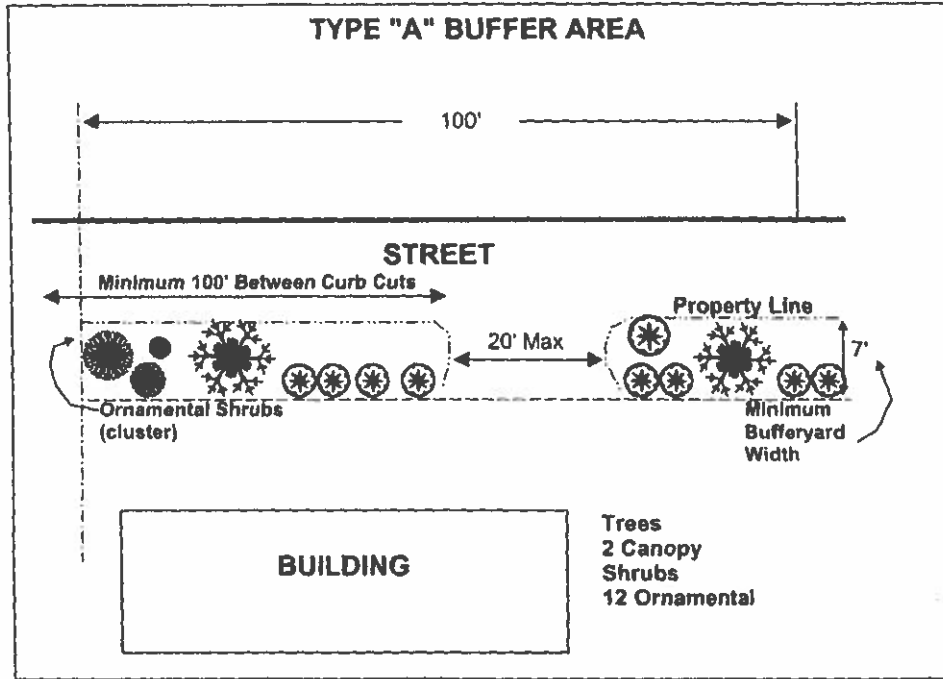


(Ord. of 6-4-2001, § 4.1-4)

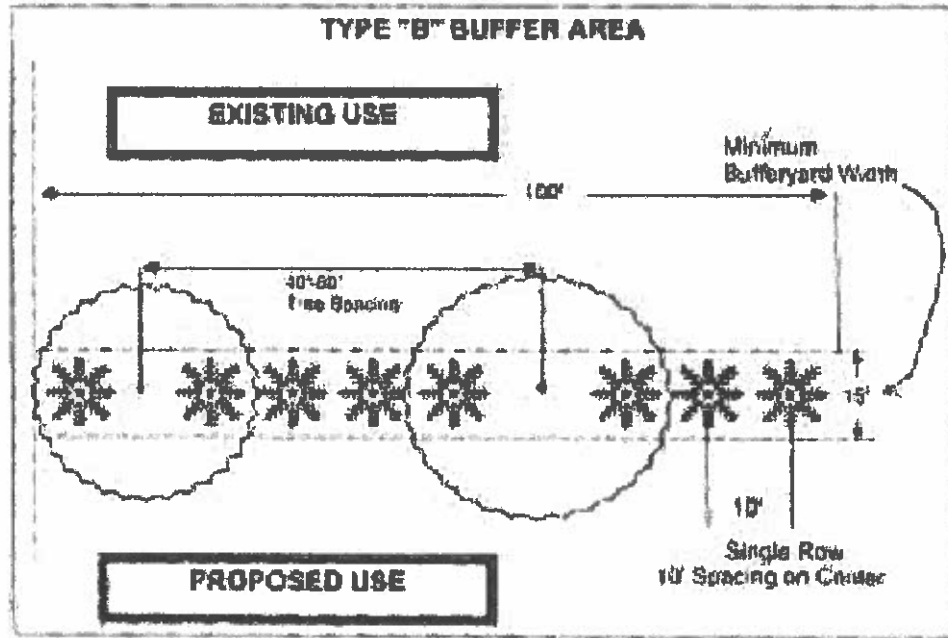
Sec. 42-184. Design standards.

Three types of buffer areas are required by this division: type A, type B, and type C. A description of each follows:

- (1) *Type A buffer area.* The type A buffer area consists of low density landscaping and minimal acceptable separation between uses. The buffer area shall be not less than seven feet in width. Per 100 lineal feet of frontage, the buffer area shall consist of a combination of not less than 12 ornamental shrubs, two understory trees and landscaped grass areas, or other appropriate ground cover. The shrubs may be clustered to ensure their survival. The following diagram illustrates an example site plan:

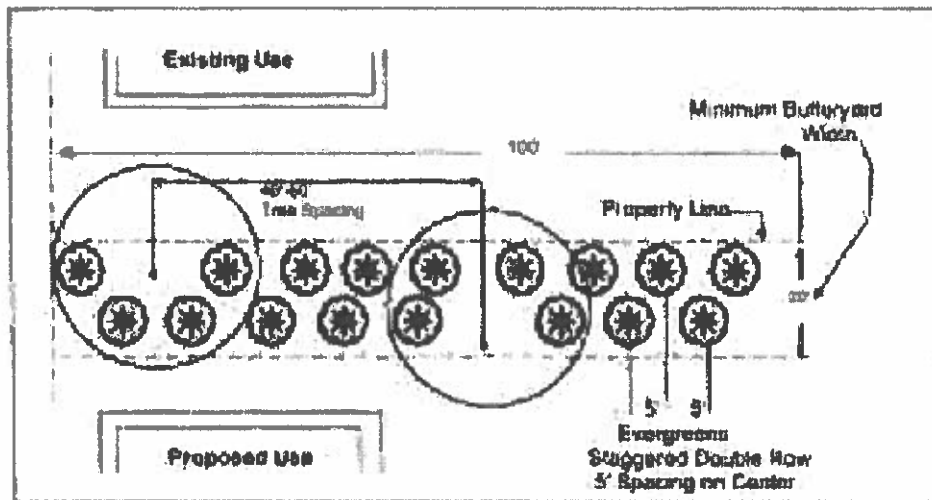


(2) *Type B buffer area.* The type B buffer area is a medium density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 15 feet. Per 100 lineal feet, the screen shall consist of a combination of two deciduous trees planted 40 to 60 feet on center and eight evergreen plants ten feet on center. The following diagram illustrates an example site plan:



- (3) *Type C buffer area.* The type C buffer area is a high-density screen intended to exclude all visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 20 feet. Per 100 lineal feet, the screen shall consist of a combination of two deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or understory trees planted in a double-staggered row ten feet on center. The following diagram illustrates an example site plan:

TYPE "C" BUFFER AREA



(Ord. of 6-4-2001, § 4.1-5)

Sec. 42-185. Height requirements.

(a) *Minimum installation size.* At installation or planting, all evergreen (understory) trees and/or shrubs used to fulfill buffer area requirements shall be not less than six feet in height, and all deciduous (canopy) trees shall be not less than eight feet in height, except for ornamental shrubs for type A buffer areas.

(b) *Minimum mature size.* At maturity, evergreen plant material used for screening shall form a continuous opaque screen averaging ten feet in height, and deciduous plant material used for screening shall average 25 feet in height.

(Ord. of 6-4-2001, § 4.1-6)

Sec. 42-186. Staggered plantings.

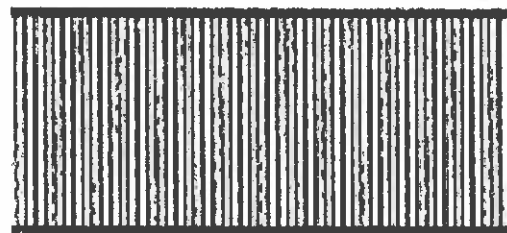
Where required, evergreen and deciduous plant material shall be planted in at least two rows and in an alternating fashion to form a continuous opaque screen of plant material.

(Ord. of 6-4-2001, § 4.1-6)

Sec. 42-187. Permitted substitutions.

(a) The following substitutions shall satisfy the requirements of this division:

- (1) *Existing plant materials.* Existing trees of four inches DBH (diameter breast high) or more in diameter, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the zoning administrator.
- (2) *Fence or wall.* Where, owing to existing land use, lot sizes or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this division cannot reasonably be met, the developer(s) may request and the zoning administrator may approve the substitution of appropriate screening, in the way of a fence or wall structure along the property line of the proposed use in accord with the provisions of this division. An eight-foot fence or wall, as illustrated below, may be substituted for a type "B" or "C" buffer area.

Fence and Wall Illustrations**Masonry Wall****Wood Stockpile**

(b) All fences and walls used as part of the buffer area requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished, as owner deems appropriate. Chainlink fences with or without slats are not an acceptable substitute and not permitted as such.

(Ord. of 6-4-2001, § 4.1-7)

Sec. 42-188. Owner of new use property responsible for providing buffer area; exception.

It shall be the responsibility of the proposed new use to provide the buffer area where required by this chapter, except that no new detached single-family dwelling or duplex shall be required to provide such buffer area.

(Ord. of 6-4-2001, § 4.1-8)

Sec. 42-189. Required maintenance.

The maintenance of required buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this chapter, and may be remedied in the manner prescribed for other violations.

(Ord. of 6-4-2001, § 4.1-9)

Sec. 42-190. Use of buffer areas.

A buffer area may be used for passive recreation; however, no plant material may be removed. All other uses are prohibited, including off-street parking.

(Ord. of 6-4-2001, § 4.1-10)

Secs. 42-191—42-210. Reserved.

DIVISION 3. LANDSCAPING

Sec. 42-211. Definition.

Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

(Ord. of 6-4-2001, § 4.2-1)

Sec. 42-212. Purpose.

The purpose of landscaping is:

- (1) To improve the appearance of vehicular use areas and development abutting public rights-of-way;

- (2) To protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land; and
- (3) To promote public health and safety through the reduction of noise pollution, stormwater run off, air pollution, visual pollution, and artificial light glare.

(Ord. of 6-4-2001, § 4.2-2)

Sec. 42-213. Where required.

(a) No proposed commercial, institutional, industrial or other nonresidential use, multifamily or off-street parking lot containing 15 or more spaces shall hereafter be established and subsequently used unless landscaping is provided in accordance with the provisions of this division.

(b) No existing building, structure or vehicular use area shall be expanded or enlarged by 50 percent or more unless the minimum landscaping required by the provisions of this division is provided throughout the building site.

(c) Enlargements involving less than 50 percent shall meet the minimum requirements of the enlargement only.

(d) Landscaping is not required for existing uses, nor is it required for uses in the B-1 district.

(Ord. of 6-4-2001, § 4.2-3)

Sec. 42-214. Landscaping plan.

A landscaping plan shall be submitted as part of the application for a building permit authorization. The plan shall:

- (1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.
- (3) Identify all existing trees ten inches DBH (diameter breast high).

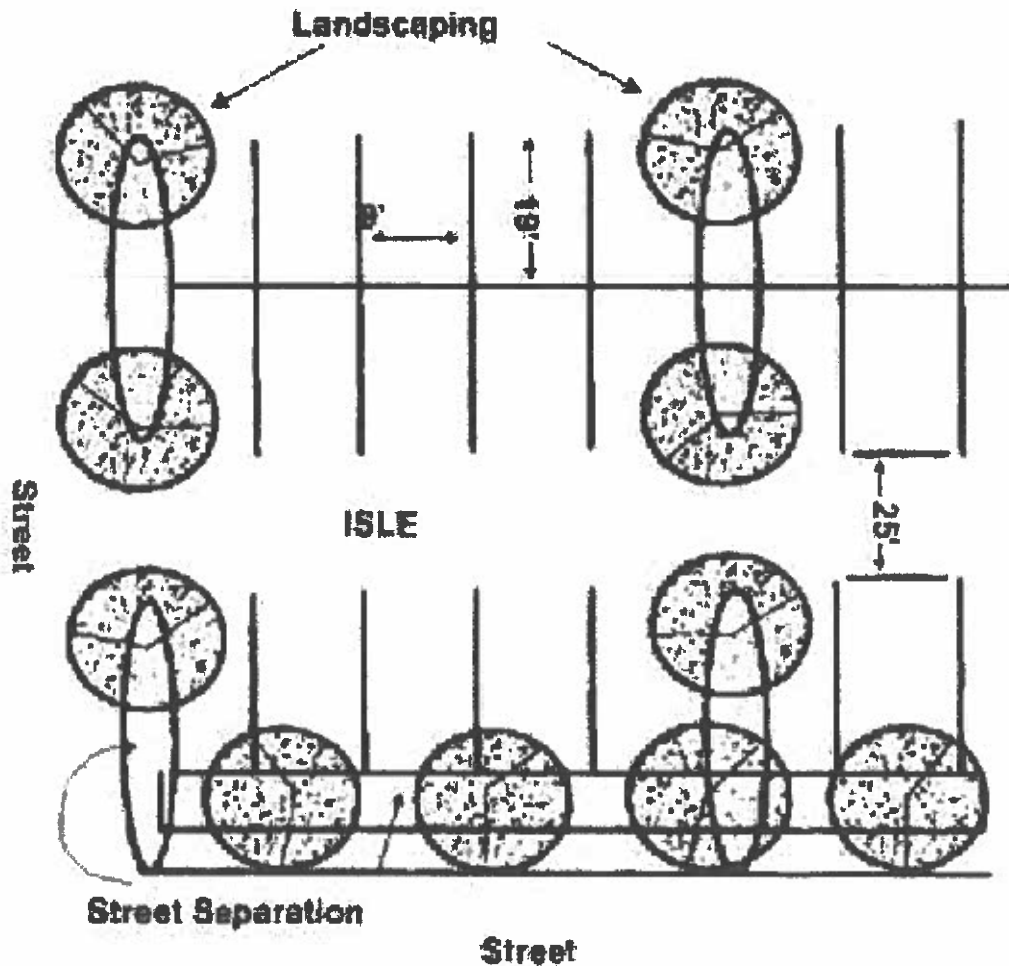
(Ord. of 6-4-2001, § 4.2-4)

Sec. 42-215. Design standards and specifications.

Required landscaping shall be provided as follows:

- (1) Along the outer perimeter of a lot or parcel, where required by the buffer area provisions of this article to buffer and separate incompatible land uses. The amount specified shall be as prescribed by division 2 of this article, buffering.

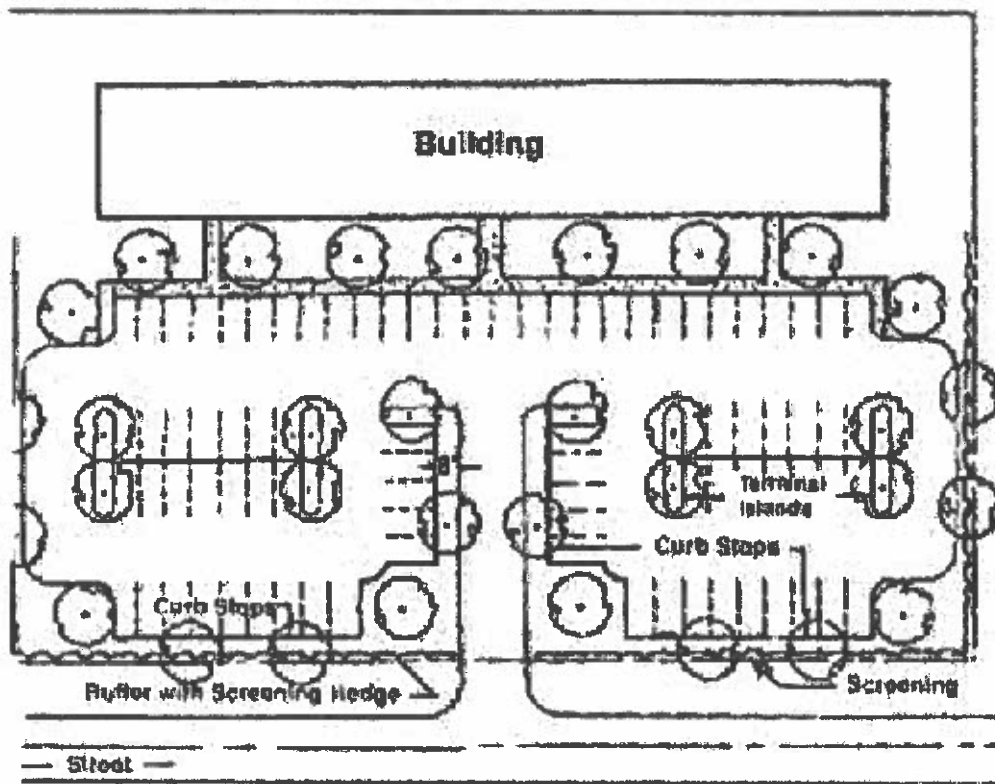
- (2) Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 15 or more parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site and separate the building from the vehicular surface area, and the vehicle surface area from adjacent property.



- (3) At a minimum, interior lot landscaping shall be provided in the following amounts:

<i>Use</i>	<i>Percent of Lot</i>
Institutional	18

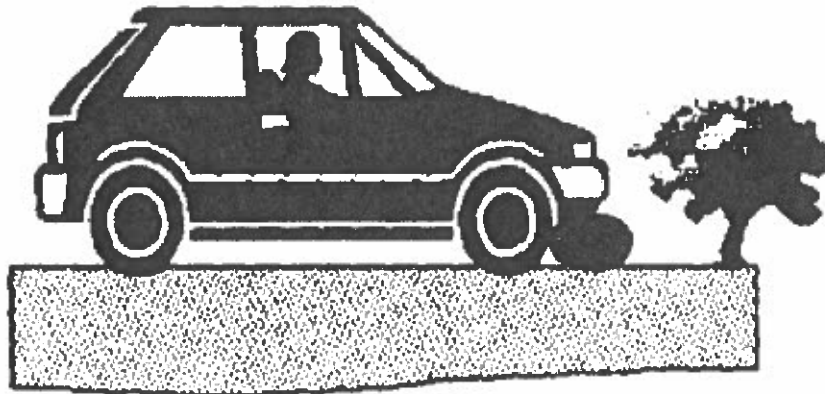
<i>Use</i>	<i>Percent of Lot</i>
Industrial/wholesale/storage	12
Office	15
Commercial/retail/service	10
Multifamily Projects	25



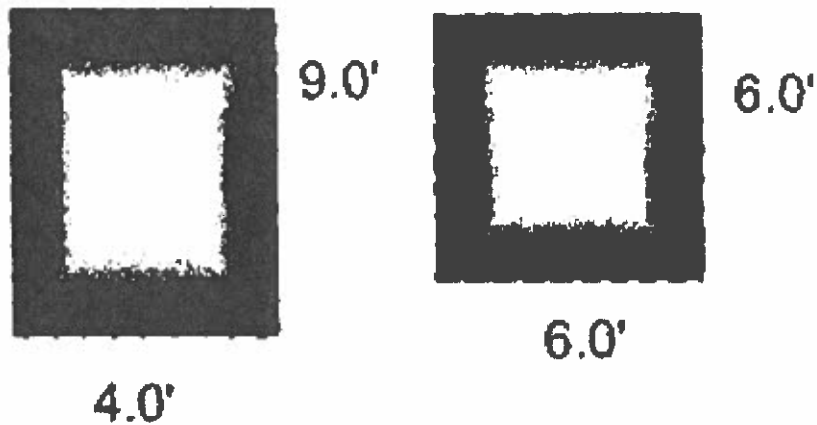
(Ord. of 6-4-2001, § 4.2-5)

Sec. 42-216. Landscaped areas in or adjacent to parking areas.

(a) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six inches in height. The barrier need not be continuous.



(b) Landscaped areas must be at least 36 square feet in size.



(Ord. of 6-4-2001, § 4.2-6)

Sec. 42-217. Required maintenance.

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure their survival and aesthetic value, and shall be provided with an irrigation

system or a readily available water supply. Failure to monitor such areas is a violation of this chapter, and may be remedied in the manner prescribed for other violations.

(Ord. of 6-4-2001, § 4.2-7)

Secs. 42-218—42-240. Reserved.

DIVISION 4. TREE PROTECTION

Sec. 42-241. Purpose.

The purpose of this division is to protect and sustain the intrinsic value of trees and their ability to promote the public health, safety and general welfare, to lessen air pollution, to increase air filtration, to reduce noise, heat and glare, to prevent soil erosion, to aid in surface drainage and minimize flooding, and to beautify and enhance the environment.

(Ord. of 6-4-2001, § 4.3-1)

Sec. 42-242. Exemptions.

Commercial timber, lots two acres or less in size, tree farms and nurseries, and agricultural operations are exempt from the protective requirements of this division. Property cleared under the exemptions of this section shall not be redeveloped, and the town shall withhold any development permit for a period of 24 months.

(Ord. of 6-4-2001, § 4.3-6)

Sec. 42-243. Significant trees protected.

(a) Any tree, other than a pine tree, measuring ten inches DBH (Diameter Breast High) shall constitute a significant tree for purposes of this division and shall be protected to the extent practical and feasible. To this end, no person, firm, organization, society, association or corporation, or any agent or representative thereof shall directly or indirectly destroy or remove any tree in violation of the terms of this division.

(b) Where a building permit authorization and building permit have not been issued, the destruction of any significant tree, as defined by this chapter, without prior approval of the zoning administrator, which approval shall not be unreasonably withheld, shall be prohibited.

(Ord. of 6-4-2001, §§ 4.3-2, 4.3-5(2))

Sec. 42-244. Tree survey.

Prior to grading or clearing a lot or parcel for development and the issuance of a building permit authorization, the developer/owner applicant shall have conducted a tree survey identifying the location of all significant trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings.

(Ord. of 6-4-2001, § 4.3-3)

Sec. 42-245. Site design.

(a) The design of any land development project or subdivision shall take into consideration the location of all significant trees identified on the tree survey. Lot and site design shall minimize the need to fell such significant trees, of which no more than 25 percent may be removed to accommodate a proposed use or development.

(b) The site design shall be presented on a site plan showing:

- (1) Existing location and size of all significant trees;
- (2) Trees to be removed;
- (3) Trees to be preserved;
- (4) Areas to be cleared; and
- (5) Areas for proposed structures and improvements.

(c) Site plan approval by the zoning administrator shall be prerequisite to the issuance of a building permit.

(Ord. of 6-4-2001, § 4.3-4)

Sec. 42-246. Minimum protective zone to be maintained during development.

During development, a minimum protective zone, marked by barriers, shall be established (erected) at the drip line and maintained around all trees to be retained as required by this division. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage materials within this protected zone.

(Ord. of 6-4-2001, § 4.3-5(2))

Sec. 42-247. Replacement of removed significant trees.

Where significant trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this division, replacement trees shall be planted in accordance with a replacement schedule approved by the zoning administrator, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria:

- (1) Combined DBH of replacement trees is equal to or greater than the DBH of the tree removed; or
 - (2) Individual replacement trees are of the largest transplantable DBH available.
- (Ord. of 6-4-2001, § 4.3-7)

Secs. 42-248—42-280. Reserved.

ARTICLE IV. SIGNS**DIVISION 1. GENERALLY****Sec. 42-281. Purpose; compliance required.**

(a) The purpose of this article is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive community environment while satisfying the needs of sign users for adequate identification, communication, and advertising.

(b) This article regulates the number, size, placement, and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.

(c) From and after the adoption of the ordinance from which this article is derived, no sign may be erected or enlarged in the town unless it conforms to the requirements of this article.

(Ord. of 6-4-2001, §§ 5.1, 5.2)

Sec. 42-282. Signs on private property restricted by zoning district; reference tables.

(a) Signs shall be allowed on private property in the town in accord with table 3. If the letter "A" appears for a sign type in a column, such sign is allowed in the zoning district represented by that column without prior issuance of a sign permit by the town clerk. If the letter "P" appears for a sign type in a column, such sign is allowed in the zoning district represented by that column only with prior issuance of a sign permit by the town clerk. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning district represented by that column under any circumstances.

(b) Although permitted under subsection (a) of this section, a sign designated by an "A" in table 3 shall be allowed only if in compliance with the conditional requirements of table 4.

TABLE 3—SIGN TYPES PERMITTED PER DISTRICT

Sign Type	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	INS(3)
PERMANENT									
<i>Free-standing</i>									
On-premises business	(1)	(1)	(1)	(1)	N	P	P	P	P
Incidental	A	A	A	A	N	A	A	A	A
<i>Building</i>									
Canopy	N	N	N	N	P	P	P	P	N
Identification	A	A	A	A	A	A	A	A	A
Incidental	N	N	N	N	A	A	A	A	A
Marquee	N	N	N	N	P	P	N	N	N
Projecting	N	N	N	N	P	P	N	N	N
Roof	N	N	N	N	N	N	N	N	N
Wall	N	N	N	N	P	P	N	N	N
Window	N	N	N	N	A	A	A	A	N
TEMPORARY (2)									
A-Frame	N	N	N	N	N	A	N	N	N
Banner	N	N	N	N	A	A	A	A	A
Posters	A	A	A	A	A	A	A	A	A
Portable	N	N	N	N	N	N	N	N	N
Inflatable	N	N	N	N	N	N	N	N	N
Pennant	N	N	N	N	N	N	N	N	N
Identification	A	A	A	A	A	A	A	A	A
Political	A	A	A	A	A	A	A	A	A
SIGN CHARACTERISTICS									
Animated	N	N	N	N	P	P	N	P	N
Changeable copy	N	N	N	N	A	A	A	A	A

* See ordinance on next page -

Sign Type	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	INS(3)
Illumination indirect	A	A	A	A	A	A	A	A	A
Illumination Internal	A	A	A	A	A	A	A	A	A
Illumination, exposed bulbs or neon	N	N	N	N	N	N	N	N	N

Table Notes

- (1) Subdivision and/or residential project identification signs only.
 - (2) See section 42-284.
 - (3) This column does not represent a zoning district. It applies to institutional and other nonresidential uses permitted in residential zoning districts, e.g., churches, school, parks, governmental buildings, etc., and includes historical markers.
- A Allowed without permit.
 P Permit required.
 N Not allowed.

TABLE 4—NUMBER, DIMENSION, AND LOCATION RESTRICTIONS

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	INS (B)
Free-standing signs; number permitted per occupied lot (C)									
On-premises business	(A)	(A)	(A)	1	NA	(E)	1	1	1
Incidental	1	1	1	1	NA	2	2	2	2
Maximum sign area (s.f.) (D)	24	24	24	24	0	(F)	24	24	12
Minimum setback from property line	5	5	5	5	0	5	5	5	5
Maximum height	12'	12'	12'	12'	12'	24'	12'	12'	12'

ZONING

§ 42-282

	R-1	R-2	R-3	R-4	B-1	B-2	B-3	D-1	INS (B)
Building signs									
Number permitted	1	1	1	1	NA	NA	NA	NA	1
Maximum sign area (s. f.)	2	2	2	2	24	NA	NA	NA	12
Maximum wall area (%)	NA	NA	NA	NA	10	25	10	10	NA
Temporary signs	See section 42-284.								

Table Notes

- NA Not Applicable
- s.f. square feet
- (A) One identification sign is permitted at the entrance of a subdivision or residential project.
- (B) This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, i.e., churches, schools, parks, governmental buildings, etc.
- (C) Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- (D) Incidental signs greater than two square feet in area shall be counted against the maximum sign area of a principal freestanding sign.
- (E) One per 200 feet of frontage on the same street.
- (F) 36 sq. ft. per lot, plus one square foot sign area for lots with over 200 linear feet street frontage on same street. The additional sign area may be combined with the sign area allotted to the first 200 feet of street frontage, or erected as a separate freestanding sign, with the total sign area divided among the signs at the discretion of the owner/applicant.

(Ord. of 6-4-2001, § 5.3)

** Not more than 70 sq. feet - must obtain permit
See page 42-73A.*



Sec. 42-283. Signs in the public rights-of-way.

No sign shall be allowed in the public right-of-way, except for the following:

- (1) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
- (2) Informational signs of a public agency or utility regarding its facilities;
- (3) Church signs, in accordance with state law;
- (4) Historical signs and markers;
- (5) Emergency signs; and
- (6) Directional signs of a temporary nature not to exceed three square feet in area and 24 hours in duration for such events as yard sales, auctions, public gatherings, etc.

(Ord. of 6-4-2001, § 5.4)

Sec. 42-284. Temporary signs.

The following table sets forth the restrictions for the use of temporary signs:

<i>Sign Type</i>	<i>Display Period</i>	<i>Display Intervals</i>	<i>Dimensions</i>	<i>Conditions</i>
A-Frame	Daylight hours only	Off-hours	12 sq. ft.	A
Banner	30 days	6 months	None	B
Posters	30 days	None	6 sq. ft.	C
Identification	90 days, or project completion	None	32 sq. ft.	D
Political	60 days prior to election	Not applicable	32 sq. ft.	E

Table Notes

- A A-Frame signs, where located on sidewalks, shall be located in such a manner as not to obstruct pedestrian movement.
- B Banners shall be properly secured and maintained at all times, and shall not interfere with pedestrian or vehicular movement.

- C Posters shall not be allowed on any telephone or power poles or any public right-of-way, and shall be placed no closer than five feet from a street or curb.
- D Temporary subdivision and work under construction identification signs shall adhere to the development standards of division 2 of this article.
- E Political signs shall be removed within seven days of the election.
(Ord. of 6-4-2001, § 5.5)

Sec. 42-285. Prohibited signs.

All signs not expressly permitted by this article are prohibited. Such signs include, but are not limited to:

- (1) Signs painted on or attached to trees, fence posts, telephone or other utility poles, stationary vehicles, or natural features.
- (2) Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, rescue vehicles or other warning signals, and signs using the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorist.
- (3) Signs which have been abandoned and no longer correctly direct or exhort any person, advertise a bona fide business, lessor, owner, product, or activity conducted or product available.
- (4) Signs which have fallen into disrepair (dilapidated), are not properly maintained, are insecure or otherwise structurally unsound, have defective parts in the support, guys and/or anchors, or which are unable to meet minimum town and county safety requirements.

(Ord. of 6-4-2001, § 5.6)

Sec. 42-286. Nonconforming signs.

(a) The lawful use of any permanently mounted sign existing at the time of the enactment of the ordinance from which this chapter is derived may be continued, although such use does not conform with the provisions of this chapter, except those declared abandoned or dilapidated, which shall be removed or remedial action taken upon notification by the zoning administrator.

(b) Nonconforming permanent signs shall be removed or brought into conformity whenever the following occurs:

- (1) Property changes ownership and the name of the business is to be changed; or
- (2) The occupancy classification of the building is changed.

(c) Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area by 25 percent, and which is subsequently destroyed or damaged to the extent of 60 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.

(d) Any nonconforming temporary sign shall be removed or brought into conformity no later than 60 days following the effective date of the ordinance from which this chapter is derived.

(e) An order under this section shall be issued in writing to the owner or responsible party of any such sign, or of the building or premises on which such sign is located to comply within 30 days' time. Upon failure to comply with such notice, the zoning administrator may cause the sign to be removed, and any costs of removal incurred in the process may be collected in a manner prescribed by law.

(Ord. of 6-4-2001, § 5.9)

Secs. 42-287—42-310. Reserved.

DIVISION 2. DESIGN AND CONSTRUCTION STANDARDS

Sec. 42-311. Clearances required.

(a) *Visual area clearance.* No sign shall be located within a vision clearance area as defined in section 42-48.

(b) *Vehicle area clearance.* When a sign extends over an area where vehicles travel or park, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas. (See area clearance illustrations in section 42-316.)

(c) *Pedestrian area clearance.* When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least eight feet above the ground. (See area clearance illustrations in section 42-316.)

(Ord. of 6-4-2001, §§ 5.7-1— 5.7-3)

Sec. 42-312. Building and electrical code compliance required.

Permanent and temporary identification signs must be constructed in accord with all applicable provisions of the town and county building and electrical codes and consist of durable all-weather materials.

(Ord. of 6-4-2001, § 5.7-4)

Sec. 42-313. Painted sign requirements.

Images, logos, graphics, etc., painted on permanent signs or buildings must be performed in a professional and workmanlike manner. Sign permits for painted signs will only be issued to companies who are engaged as sign painters.

(Ord. of 6-4-2001, § 5.7-4)

Sec. 42-314. Illuminated sign requirements.

Illuminated signs shall not directly shine on abutting properties. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

(Ord. of 6-4-2001, § 5.7-5)

Sec. 42-315. Method of measuring sign face areas.

(a) The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face (see illustrations in section 42-316). Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, free-standing sign is counted.

(b) For signs on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used in the measurement unless it is clear that part of the base contains no sign related display or decoration.

(c) For signs constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces (see illustrations in section 42-316).

(d) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (see illustrations in section 42-316).

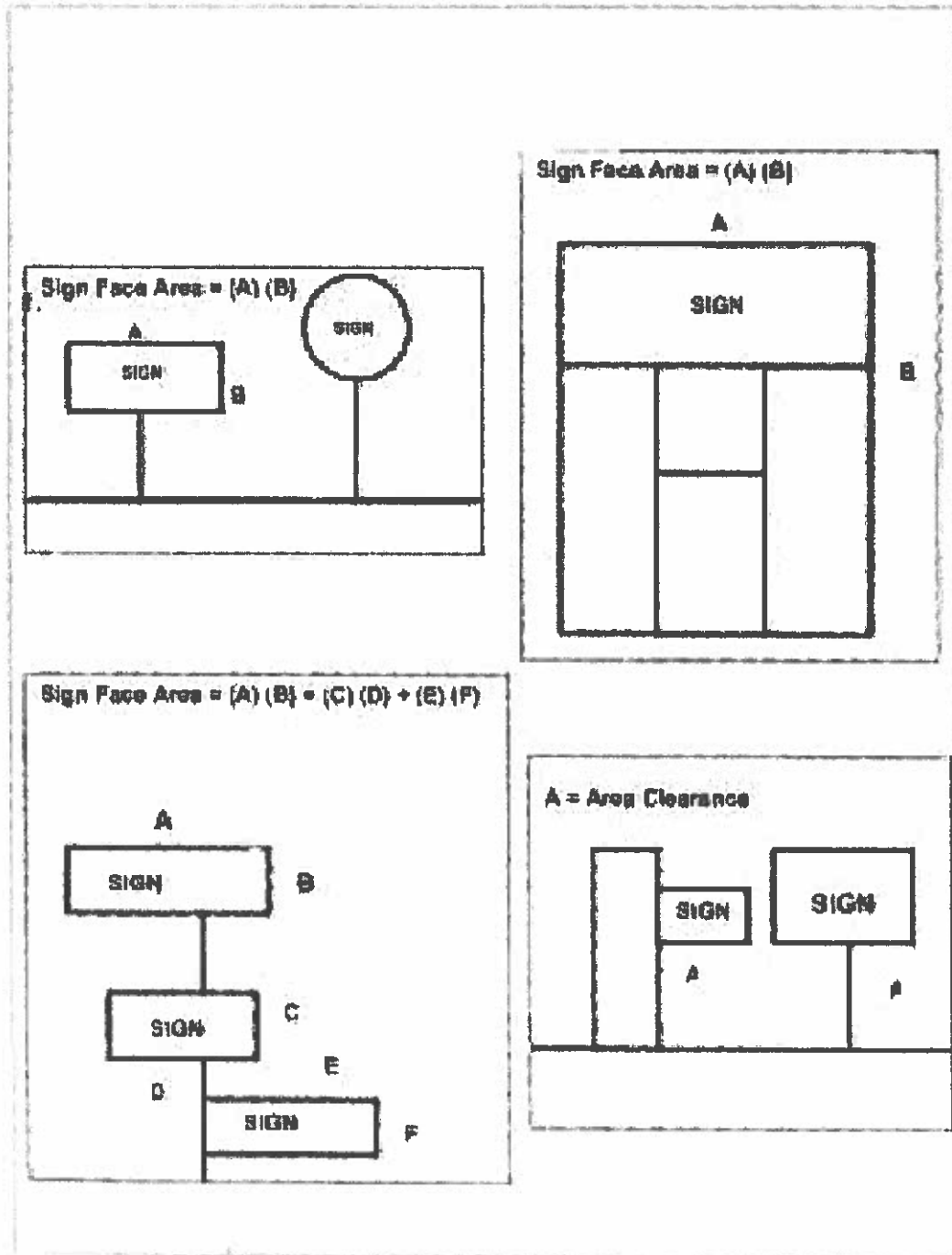
(e) The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.

(f) For signs incorporated into awnings, the entire panel containing the sign is counted as the sign faces unless it is clear that part of the panel contains no sign-related display or decoration.

(Ord. of 6-4-2001, § 5.8-1)

Sec. 42-316. Method of measuring distance of sign from ground.

The distance of the sign from the ground is measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face. (See area clearance illustrations in this section.)



Sign Measurement Illustrations

(Ord. of 6-4-2001, § 5.8-2)

Secs. 42-317—42-350. Reserved.

STATE OF SOUTH CAROLINA)
COUNTY OF EDGEFIELD)
TOWN OF EDGEFIELD)

ORDINANCE NO. 2020-01


AN ORDINANCE TO AMEND ARTICLE IV – TABLE 3 OF THE ZONING ORDINANCE FOR THE TOWN OF EDGEFIELD ADOPTED 2013, TO ALLOW A BUILDING WALL SIGN IN A D-1 ZONE FOR PARCELS LOCATED ON HWY 25 N

WHEREAS, the Edgefield Town Council adopted a zoning ordinance in 2013; and

WHEREAS, the Edgefield Town Council deems it necessary to make changes to the ordinance for the best interest of our town citizens/businesses when recommended by the Planning and Zoning Commission; and

WHEREAS, Per the Planning and Zoning Commission's recommendation, to change the text of Article IV – Table 3, to allow a building wall sign in a D-1 zone for parcels located on Highway 25 North of not more than 70 square feet provided a permit is obtained.

NOW THEREFORE, BE IT ORDAINED, by the Edgefield Town Council of the Town of Edgefield, Edgefield, SC in a meeting duly assembled to change the Zoning Ordinance of the Town of Edgefield, for Article IV – Table 3, to allow a building wall sign in a D-1 zone for parcels located on Highway 25 North of not more than 70 square feet provided a permit is obtained. Adopted this 2nd day of March, 2020.


W. Ken Durham, Mayor

ATTEST:



Charlotte Cheatham, MMC
Town Clerk -Treasurer

First Reading: February 3, 2020

Public Hearing: March 2, 2020

Second Reading and Adoption: March 2, 2020

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ARTICLE V. OFF-STREET PARKING AND LOADING

Sec. 42-351. Applicability; general requirements.

(a) The provisions of this article shall supplement the off-street parking requirements contained in table 1 in section 42-39.

(b) Where application of the requirements of table 1 in section 42-39 result in a fractional space requirement, the next larger requirement shall apply.

(c) Wherever a building or use, constructed or established after the effective date of the ordinance from which these regulations are derived, is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

(d) Off-street parking facilities provided to comply with the provisions of this chapter shall not be reduced below the requirements of this chapter.
(Ord. of 6-4-2001, § 6.1-1)

Sec. 42-352. Parking area to be on same property as principal use.

Required off-street parking must be provided on the same lot or parcel as the principal use for which it is required.
(Ord. of 6-4-2001, § 6.1-2)

Sec. 42-353. Design standards for parking area for more than ten vehicles.

Where off-street parking for more than ten vehicles is required, the following design and development standards shall apply:

- (1) *Parking dimensions.* Parking stalls shall be not less than nine feet by 19 feet, except that a maximum of ten percent of the total number of stalls may be 8.5 feet by 18 feet. However, the dimensions of all parallel parking stalls shall be not less than nine feet by 24 feet. Minimum aisle width shall be as follows:

<i>Angle of Parking</i>	<i>Aisle Width</i>
90 degree parking	25 feet
60 degree parking	18 feet

<i>Angle of Parking</i>	<i>Aisle Width</i>
45 degree parking	13 feet

- (2) *Construction, paving.* Where ten or more parking stalls are required by this chapter, such stalls and all ingress and egress drives shall be surfaced with an all-weather, impervious surface material, approved by the zoning administrator.
- (3) *Drainage.* Parking lots shall be designed so as not to drain into, across public sidewalks, or on to adjacent property, except into a natural watercourse or a drainage easement.
- (4) *Separation from walkways and streets.* Off-street parking spaces shall be separated from walkways, sidewalks, streets, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the zoning administrator. (See section 42-215.)
- (5) *Entrances and exits.* Landscaping, curbing or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. Except for single-family homes and duplexes, off-street parking areas shall be designed so that all movement on to a public street is in a forward motion. Entrance and exit driveways to public streets in the vicinity of street intersections must be located at least 40 feet, measured along the curblines, from the intersection of the nearest curblines.
- (6) *Marking.* Parking lots shall be marked by painted lines, curbs or other means to indicate individual spaces. Signs or markers, as approved by the zoning administrator, shall be used as necessary to ensure efficient traffic operation of the lot.
- (7) *Lighting.* Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas.
- (8) *Landscaping.* Off-street parking areas shall be landscaped in accordance with the provisions of division 3 of article III of this chapter.
- (Ord. of 6-4-2001, § 6.1-3)

Sec. 42-354. Maintenance.

All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

(Ord. of 6-4-2001, § 6.1-4)

Sec. 42-355. Parking space for the physically disabled.

(a) When off-street parking is required for any building or use, except for residential dwellings with fewer than 20 units, parking for the disabled shall be included when calculating the overall parking requirements for such building or use, based on the following formula:

<i>Number of Required Spaces</i>	<i>Number of Spaces Reserved for Disabled Persons</i>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
over 500	2% of total required

(b) Parking spaces for the physically disabled shall measure 12 feet by 20 feet or eight feet in width, with an adjacent access aisle eight feet in width, and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically disabled persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps and walkways.

(Ord. of 6-4-2001, § 6.1-5)

Sec. 42-356. Approval of parking and off-street loading plans and layouts.

Designs and plans for areas to be used for off-street parking and off-street loading shall be subject to approval by the zoning administrator, who may

withhold a permit authorization or take other action if the layout of either would create avoidable safety or traffic congestion problems, pending acceptable modification of the layout or appeal to the board of zoning appeals.

(Ord. of 6-4-2001, § 6.3)

Sec. 42-357. Parking and storage of vehicles restricted in residential areas.

(a) *Recreational vehicles and boats.* No recreational vehicle or boat shall be parked or stored in any required front or side yard setback area or within five feet of the rear lot line in a residential district; however, such use may be parked anywhere on a residential premises for a period not to exceed 24 hours during loading or unloading, and recreational vehicles may be used for temporary lodging up to seven days.

(b) *Unlicensed vehicles.* No automobile, truck or trailer of any kind or type, without current license plates, shall be parked or stored on any lot zoned for residential use more than 45 days, other than in completely enclosed buildings or physically removed from vision from the public street serving the property or, if located in the rear yard, completely screened from adjacent property by an opaque wall, fence or hedge.

(c) *Commercial and other large utility vehicles.* Within any residential zone, the owner or occupant of a dwelling unit may park one commercial motor vehicle with a carrying capacity of not more than two tons. Specifically prohibited from parking in any residential zone, including the street right-of-way, when not actively involved in commerce, are flatbed trucks, tow trucks, buses, dump trucks, tractor cabs and/or trailers or combinations thereof.

(d) *Commercial trailers and equipment.* Trailers, implements and equipment for commercial use also may be parked or stored on the same lot as a dwelling in any residential zone; provided such uses shall be parked or stored in completely enclosed buildings.

(Ord. of 6-4-2001, §§ 6.4, 6.5)

Sec. 42-358. Loading areas.

(a) All uses except those located in the B-2 district, shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street or walk.

(b) Off-street loading and unloading space shall in all cases be located on the same lot or parcel of land as the structures they are intended to serve.
(Ord. of 6-4-2001, § 6.2)

Secs. 42-359—42-390. Reserved.

ARTICLE VI. PERMITS, PERMIT AUTHORIZATIONS AND CERTIFICATES

Sec. 42-391. Required.

(a) No building, structure or sign requiring a permit or any part thereof shall be erected, added to or structurally altered until the required permits have been issued.

(b) No building, structure or land shall be used, nor shall any building, structure or land be converted, wholly or in part to any other use, until all applicable and appropriate licenses, certificates and permits have been issued certifying compliance with the requirements of this chapter.

(c) No permits inconsistent with the provisions of this chapter shall be issued unless accompanied by an approved variance as provided by this chapter.

(d) The provisions of this section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, crossarms, guys, wire, cable and drops.
(Ord. of 6-4-2001, § 8.2)

Sec. 42-392. Filing applications.

Applications for building permit authorizations shall be signed by the owner or his designee and shall be filed on forms provided by the zoning administrator.

(Ord. of 6-4-2001, § 8.2-1)

Sec. 42-393. Application requirements for building permit authorizations.

(a) Building permits are issued by the county and not by the town. The town does, however, issue building permit authorizations that the applicant must present to the county as a prerequisite for issuance by the county of a building permit for construction activities on property located within town geographical limits.

(b) Each application for a building permit authorization for a building or structure other than a sign shall be accompanied by two sets of the following or as much thereof as the zoning administrator shall find necessary to determine whether the proposed building or use will be in compliance with the provisions of this chapter.

(c) The application shall contain a plat and/or site plan showing:

- (1) Date and scale;
- (2) Actual shape and dimensions of the lot to be built upon;
- (3) Size, height and location on the lot of existing and proposed buildings and structures and their relation to rights-of-way and property lines;
- (4) Existing and intended use of each building or part of a building;
- (5) Number of families or housekeeping units;
- (6) Location of existing trees ten inches DBH;
- (7) Flood and wetland areas;
- (8) Proposed parking, buffer areas, and landscaping;
- (9) Building elevations; and
- (10) Such other information with regard to the lot and contiguous land uses as required to determine compliance with and provide for the enforcement of this chapter.

(Ord. of 6-4-2001, § 8.2-2)

Sec. 42-394. Application requirements for sign permits.

Each application to erect a sign, where a sign permit is required by this chapter, shall be accompanied by the following information:

- (1) Identification of ownership or leaseholder of property on which the sign is to be erected, including street address.
- (2) Name and address of the owner of the sign.
- (3) Site plan with dimensions (nonprofessionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing freestanding signs, and buffer areas.
- (4) Correct size, shape, configuration, face area, height, nature, number and type of sign to be erected.

- (5) The value of the sign and sign structure.
 - (6) The zoning administrator may waive any of the informational requirements listed in subsections (1) through (5) of this section deemed unnecessary to process an application.
- (Ord. of 6-4-2001, § 8.2-3)

Sec. 42-395. Fees.

A fee to cover the administrative cost of issuing building permit authorizations and sign permits shall accompany all requests for such authorizations and permits, where required by this chapter. The amount of the fee shall be determined by the mayor and town council, a schedule of which is available at the office of the town clerk.

(Ord. of 6-4-2001, § 8.2-4)

Sec. 42-396. Expiration.

If the work described in any building permit authorization or sign permit has not been completed within six months from the date of issuance thereof, said authorization or permit shall expire; it shall be canceled by the zoning administrator, and written notice thereof shall be given to the persons affected. Permits and authorizations may be extended, upon application therefor, for an additional period not to exceed six months from the date expiration under this section would have occurred.

(Ord. of 6-4-2001, § 8.3)

Sec. 42-397. County certificate of occupancy required.

Upon completion of the construction or alteration of a building or structure for which a building permit has been granted, application shall be made to the county building department for a certificate of occupancy. The county building department shall process the application in accord with adopted procedures. No land or building within town limits shall be erected or altered in its use until a certificate occupancy has been granted.

(Ord. of 6-4-2001, § 8.5)

Secs. 42-398—42-430. Reserved.

ARTICLE VII. ADMINISTRATION AND ENFORCEMENT**DIVISION 1. GENERALLY****Sec. 42-431. Duties and authority of zoning administrator.**

(a) The designated zoning administrator is duly charged with the authority to administer and enforce the provisions of this chapter.

(b) The zoning administrator shall accept and examine all applications for construction, land use or reuse, and shall issue building permit authorizations where such applications are in accord with the provisions of this chapter and applicable building codes. He shall direct parties in conflict with this chapter, and cause to be kept records and files of any and all matters referred to him.

(c) If the zoning administrator shall find that any one of the provisions of this chapter is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order:

- (1) Discontinuance of illegal use of land, buildings, or structures;
- (2) Removal of illegal buildings or structures or of illegal additions;
- (3) Alterations, or structural changes;
- (4) Discontinuance of any illegal work being done; and
- (5) Shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(Ord. of 6-4-2001, § 8.1)

Sec. 42-432. Inspections.

The zoning administrator or other appropriate municipal officials may make or require inspections of any land-disturbing activity, construction or maintenance requirements to ascertain compliance with the provisions of this chapter and to ascertain compliance with approved building permit authorization and sign permit applications, or plans prior to issuance of a certificate of occupancy. (Ord. of 6-4-2001, § 8.4)

Sec. 42-433. Complaints regarding violations.

Whenever a violation of this chapter occurs, or is alleged to have occurred, the zoning administrator or other appropriate town official shall record and

investigate such complaint, and take such action as provided by this chapter. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

(Ord. of 6-4-2001, § 8.6)

Sec. 42-434. Penalties for violation.

(a) Any persons violating any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined as determined by the court for each offense.

(b) Where any building, structure or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign or land is or is proposed to be used in violation of this chapter, the zoning administrator or other appropriate administrative officer may, in accordance with the provisions S.C. Code 1976, § 56-7-80, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate the violation or to prevent the occupancy of the building, structure or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues shall be deemed a separate offense.

(Ord. of 6-4-2001, § 8.7)

Sec. 42-435. Right of appeal.

Any decision or determination by the zoning administrator may be appealed to the zoning board of appeals.

(Ord. of 6-4-2001, § 8.8)

Secs. 42-436—42-460. Reserved.

DIVISION 2. PLANNING AND ZONING COMMISSION*

Sec. 42-461. Membership; vacancies; compensation.

(a) The planning and zoning commission shall consist of seven members with one member appointed from each ward and one member at large to be appointed by the mayor and town council. The terms of office of the members shall be for four years, except that of the members first appointed, four shall be appointed for a term of two years and three for four years.

***State law references**—Function, powers and duties of local planning commission, S.C. Code 1976, § 6-29-340; membership of commission, organization, S.C. Code 1976, §§ 6-29-350, 6-29-360.

(b) Any vacancy in membership shall be filled for the unexpired term by the mayor and town council, who shall also have the authority to remove any member for cause, on written charges, after a public hearing.

(c) All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties as authorized by the mayor and town council.

(Code 1986, § 5-3-1; Ord. No. 88-02, 5-2-1988)

Sec. 42-462. Organization; meetings; rules; staff and finances.

(a) The planning and zoning commission shall elect a chairperson and vice-chairperson from among its members. The term of the chairperson and other officers shall be one year with eligibility for re-election. It shall appoint a secretary who may be an officer or an employee of the council or the planning and zoning commission.

(b) The planning and zoning commission shall adopt rules for the transaction of business and shall keep a record of its recommendations, transactions, findings, and determinations; and shall meet at the call of the chairperson and at such times as the chairperson or commission may determine. All meetings of the planning and zoning commission at which official action is taken shall be open to the public and all records of the commission shall be a public record.

(c) The commission may appoint such employees and staff as it may deem necessary for its work and may make expenditures as authorized by the mayor and town council for salaries of any employees and staff, contracts with consultants, and for the purchase of required equipment and supplies. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for said purpose by the mayor and town council.

(Code 1986, § 5-3-2; Ord. No. 88-02, 5-2-1988)

Sec. 42-463. General powers and duties.

From and after the time when the planning and zoning commission shall have organized and selected its officers and shall have adopted its rules of procedure, then said commission shall have all the powers, duties and responsibilities set forth in S.C. Code 1976, tit. 6, ch. 7. In general, the planning and zoning commission shall have the power to:

- (1) Prepare and revise periodically a comprehensive plan and program for the development of its jurisdiction.

- (2) Prepare and recommend for adoption to the mayor and town council as a means for implementing the plan and program:
 - a. Zoning ordinances, maps and appropriate revisions thereof for its jurisdiction.
 - b. Regulations for the subdivision of land and appropriate revisions thereof within its jurisdiction, and to administer the regulations that may be adopted.
 - c. An official map, together with regulations to control the erection of buildings or other structures or changes in land use within such rights-of-way, building sites or open spaces within its political jurisdiction or a specified portion thereof.
 - (3) Review the comprehensive plan and any capital programs based on the comprehensive plan and make recommendations to the mayor and town council with regard to amendments to the comprehensive plan or capital programs.
 - (4) Establish principles and policies for guiding action in the development of the town.
 - (5) Prepare and recommend to the mayor and town council for adoption ordinances promoting orderly development in accordance with the comprehensive plan.
 - (6) Determine whether specific proposed development conforms to the principles and requirements of the comprehensive plan for the growth and improvement of the town.
 - (7) Review and recommend to the mayor and town council any needed changes in the zoning ordinance and the town's official zoning map as well as the subdivision regulations, official map, and other codes, ordinances, and controls related to the town's development.
 - (8) Keep the mayor and town council and the general public informed and advised as to the matters enumerated in this section.
- (Code 1986, § 5-3-3; Ord. No. 88-02, 5-2-1988; Ord. No. 91-03, 9-3-1991)

Secs. 42-464—42-490. Reserved.

DIVISION 3. BOARD OF ZONING APPEALS

Sec. 42-491. Established.

A board of zoning appeals is hereby established. Said board shall consist of five members, who shall be citizens of the town and shall be appointed by the mayor and town council for overlapping terms of four years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment and any member may be removed by the mayor and town council for cause, after a public hearing. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the board. (Ord. of 6-4-2001, § 8.9; Ord. No. 2001-10, § 2, 12-3-2001)

Sec. 42-492. Officers, rules, meetings and quorum.

(a) The board of zoning appeals shall elect a chairperson and a vice-chairperson from its members, who shall serve for one year or until reelected. The board shall appoint a secretary, who may be a city officer or a member of the board of zoning appeals.

(b) The board shall adopt rules and by laws in accordance with S.C. Code 1976, § 6-29-790.

(c) Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. All meetings of the board shall be open to the public.

(d) A quorum shall be required to take any official action by the board. Two members present shall constitute a quorum.

(Ord. of 6-4-2001, § 8.9-1)

Sec. 42-493. Appeal procedure.

(a) Appeals to the board shall be taken within 30 days of the date of the action which is appealed, by filing notice of appeal with the zoning administrator, who shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken.

(b) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed except

by a restraining order which may be granted by the board or by a court of record on application, on notice to the zoning administrator and on due cause shown.

(c) The board of zoning appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least 15 days public notice thereof in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney. (Ord. of 6-4-2001, § 8.9-2)

Sec. 42-494. Powers and duties.

- (a) The board of zoning appeals shall have the following powers and duties:
- (1) *To hear and decide appeals, generally.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter.
 - (2) *To grant variances, generally.* To authorize upon appeal in specific cases a variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in the unnecessary hardship so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship if the board makes and explains in writing the following findings:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - b. These conditions do not generally apply to other property in the vicinity;
 - c. Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

(b) The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

(Ord. of 6-4-2001, § 8.9-3)

Sec. 42-495. Final decisions and orders; concurring vote of majority required.

(a) In exercising the powers set forth in section 42-494, the concurring vote of a majority of the members present and voting shall be required to reverse or affirm, wholly or in part, or modify any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, and to that end, shall have the powers of the officer from whom the appeal is taken and may direct the issuance of a zoning permit. The board, in the execution of the duties for which appointed, may subpoena witnesses and, in case of contempt, may certify such fact to the circuit court having jurisdiction.

(b) All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board and parties of interest notified.

(Ord. of 6-4-2001, § 8.9-4)

Sec. 42-496. Appeal from final board decisions governed by state law.

A person who may have a substantial interest in any decision of the board of zoning appeals or an officer or agent of the town may appeal from a decision of the board in the manner prescribed by state law. The appeal must be filed within 30 days after the decision of the board is mailed.

(Ord. of 6-4-2001, § 8.10)

Secs. 42-497—42-520. Reserved.

DIVISION 4. AMENDMENTS

Sec. 42-521. Authority.

This chapter, including the official zoning map, may be amended from time to time by the mayor and town council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the planning commission for review and recommendation. (Ord. of 6-4-2001, § 9.1)

Sec. 42-522. Pre-hearing procedure.

Requests to amend this chapter shall be processed in accordance with the following procedures:

- (1) *Initiation of amendments.* A proposed amendment to this chapter may be initiated by the planning commission, the mayor and town council or by application filed with the planning commission by the owner or owners of any property proposed to be changed; provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property or any part thereof, by a property owner or owners more often than once every 12 months.
- (2) *Application procedure.* Application forms for amendments shall be obtained from the office of the zoning administrator. Completed forms, together with the required application fee to cover administrative costs (advertising), plus any additional information the applicant feels to be pertinent, shall be filed with the zoning administrator. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required. Applications for amendments must be received in proper form, at least two weeks prior to a planning commission meeting in order to be heard at that meeting.
- (3) *Review by the planning commission.*
 - a. All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted by the zoning administrator to the planning commission.
 - b. The planning commission shall review and prepare a report, including its recommendation for transmittal to the mayor and town council.

- c. All meetings of the planning commission shall be open to the public. At a meeting, any party may appear in person or by agent or by attorney.
 - d. No member of the planning commission shall participate in a matter in which he has any pecuniary or special interest.
- (4) Report of planning commission.
- a. Following review of the proposed amendment, the planning commission shall reach a decision regarding said amendment and report its findings and recommendation to the mayor and town council for final action, to be preceded by an advertised public hearing.
 - b. The planning commission shall have 30 days within which to submit its report. If the planning commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment. No change in or departure from the text or maps as recommended by the planning commission may be made pursuant to the public hearing unless the change or departure is first submitted to the planning commission for review and recommendation.

(Ord. of 6-4-2001, § 9.2)

Sec. 42-523. Notice of public hearing.

In scheduling a public hearing for a proposed zoning map or text amendment, notice of the time and place shall be published in a newspaper of general circulation in the town at least 15 days in advance of the scheduled public hearing.

(Ord. of 6-4-2001, § 9.3-1)

Sec. 42-524. Posting of property.

In cases involving map changes, the applicant for change shall be provided with and shall post conspicuous notice on or adjacent to the affected property. The notice shall be visible from each public thoroughfare abutting the property. Such notice shall be posted at least 15 days prior to the announced hearing, indicating the nature of the proposed change, identification of the affected property, and time, date and place of the hearing.

(Ord. of 6-4-2001, § 9.3-2)

Sec. 42-525. Action by mayor and town council.

(a) The mayor and town council shall take action to approve, disapprove, modify, or remand the matter back to the planning commission within 30 days of receipt of the planning commission's recommendation on an application. If no action is taken by the mayor and town council within such time, the proposed amendment shall be considered denied, unless otherwise specified by the mayor and town council.

(b) Following final action by the mayor and town council, any necessary changes shall be made to the official zoning map and/or text. A written record of the type and date of such change shall be maintained by the town clerk. (Ord. of 6-4-2001, § 9.4)

Sec. 42-526. Fees.

The application fee for processing an amendment or appeal to the zoning board of appeals shall be as on the fee schedule which is kept on file in the office of the town clerk, which fee shall be nonrefundable, irrespective of the outcome of the application. (Ord. of 6-4-2001, § 9.5)

CODE INDEX

	Section
ZONES (Cont'd.)	
Traffic and motor vehicles	
Parking	
Loading zones	38-76
Passenger zones	38-77
ZONING (Generally)	
Adult entertainment businesses	4-1 et seq.
See: ADULT ENTERTAINMENT BUSINESSES	
Animals.....	6-1 et seq.
See: ANIMALS	
Buildings and building regulations	
Permits and certificates	
Building permits and building permit authori- zations	
Compliance with town zoning and licensing regulations required	8-47(d)
Businesses and business regulation	
Additional regulations for specific businesses	
Construction contractors and subcontractors	
Compliance with building code and zoning restrictions required	10-142(f)
Certain ordinances and rights not affected by Code	1-6(a)(12)
Planning and development.....	28-1 et seq.
See: PLANNING AND DEVELOPMENT	
Signs and other advertising	30-1 et seq.
See: SIGNS AND OTHER ADVERTISING	
Streets, sidewalks and other public places	34-19 et seq.
See: STREETS, SIDEWALKS AND OTHER PUB- LIC PLACES	
Traffic and motor vehicles.....	38-1 et seq.
See: TRAFFIC AND MOTOR VEHICLES	
ZONING (Chapter 42)	
Accessory uses	
Accessory uses to observe required setbacks	42-101
Requirements applicable to all accessory uses...	42-102

EDGEFIELD CODE

	Section
ZONING (Chapter 42) (Cont'd.)	
Requirements applicable to specific accessory uses.....	42-103
Buildings, sheds, and structures for dry stor- age; greenhouses	42-103(3)
Domestic animal shelters and pens	42-103(4)
Fences and walls	42-103(7)
Free-standing signs.....	42-103(2)
Ground supported communication and recep- tion antennas.....	42-103(6)
Off-street parking and loading space.....	42-103(1)
Swimming pools, tennis courts, and recre- ational uses	42-103(5)
Administration and enforcement	
Amendments	42-521 et seq.
Board of zoning appeals	42-491 et seq.
Complaints regarding violations.....	42-433
Duties and authority of zoning administrator ...	42-431
Inspections.....	42-432
Penalties for violation.....	42-434
Planning and zoning commission	42-461 et seq.
Right of appeal	42-435
Amendments	
Action by mayor and town council.....	42-525
Authority	42-521
District standards and specifications	
Amendments to the official zoning map	42-35
Fees	42-526
Notice of public hearing	42-523
Posting of property.....	42-524
Pre-hearing procedure	42-522
Application procedure	42-522(2)
Initiation of amendments.....	42-522(1)
Review by the planning commission.....	42-522(3)

CODE INDEX

	Section
ZONING (Chapter 42) (Cont'd.)	
Appeals	
Administration and enforcement	
Right of appeal.....	42-435
Board of zoning appeals.....	42-491 et seq.
Board of zoning appeals	
Appeal from final board decisions governed by state law.....	42-496
Appeal procedure.....	42-493
Established.....	42-491
Final decisions and orders; concurring vote of majority required.....	42-495
Officers, rules, meetings and quorum.....	42-492
Powers and duties.....	42-494
Buffers	
Erosion and sedimentation control	
Construction of buffer strips.....	42-3(4)
Landscaping, buffering and tree protection.....	42-161 et seq.
Conditional uses	
Accessory apartments.....	42-76
Bed and breakfast inns.....	42-81
Communication towers and antennas.....	42-79
Home occupations.....	42-77
Horse-related facilities.....	42-78
Manufactured housing.....	42-75
Multifamily housing, residential care and group occupied housing.....	42-72
Patio and zero lot line housing.....	42-74
Purpose.....	42-71
Sexually oriented businesses.....	42-80
Townhouses.....	42-73
Conflict with other laws.....	42-2
Definitions.....	42-1
District standards and specifications	
Accessory uses. See herein that subject	

EDGEFIELD CODE

	Section
ZONING (Chapter 42) (Cont'd.)	
Additional setback requirements.....	42-43
Corner lots.....	42-43(a)
Multiple buildings on lot	42-43(d)
Partially developed areas.....	42-43(c)
Through or double frontage lots.....	42-43(b)
Amendments to the official zoning map.....	42-35
Applicability; minimum requirements.....	42-33
Combined use of space to meet minimum require- ments prohibited.....	42-42
Districts established	42-31
Establishment of official zoning map.....	42-34
Exceptions to height limitations.....	42-44
Method of measuring yards, setbacks, buildable area and structure height.....	42-46
Height.....	42-46(b)
Yards, setbacks, buildable area.....	42-46(a)
Nonconforming uses and structures. See herein that subject	
Number of principal structures or uses on lots..	42-47
Projections	42-45
Purpose of districts.....	42-32
B-1, Downtown Business District.....	42-32(5)
B-2, General Business District	42-32(6)
B-3, Business/Industrial District.....	42-32(7)
D-1, General Development District	42-32(8)
R-1, Low Density Residential District.....	42-32(1)
R-2, High Density Residential District	42-32(2)
R-3, Medium Density Residential District.....	42-32(3)
R-4, Residential-Institutional District.....	42-32(4)
Rules for interpretation of district boundaries on the official zoning map.....	42-36
Signs	
Signs on private property restricted by zoning district; reference tables	42-282
Specific conditional uses. See herein: Condi- tional Uses	

CODE INDEX

	Section
ZONING (Chapter 42) (Cont'd.)	
Surveys, maps and plats	
Amendments to the official zoning map	42-35
Establishment of official zoning map	42-34
Rules for interpretation of district boundaries on the official zoning map	42-36
Table 1—Permitted and conditional uses and off-street parking	42-39
Table 2—Area, setback, and height require- ments	42-40
Temporary uses.....	42-41
Permit required.....	42-41(a)
Removal.....	42-41(c)
Type and location	42-41(b)
Use tables explained; key to table abbreviations	42-38
Visibility at intersections	42-48
Zoning annexed property.....	42-37
Erosion and sedimentation control.....	42-3
Construction of buffer strips	42-3(4)
Erosion control during construction	42-3(2)
Existing uncovered areas	42-3(1)
Graded slopes and fills.....	42-3(5)
Ground cover requirements	42-3(3)
Landscaping, buffering and tree protection	
Buffering	
Buffer types; when buffers required	42-183
Type A buffer area required	42-183(1)
Type B buffer area required.....	42-183(2)
Type C buffer area required.....	42-183(3)
Defined; purpose.....	42-181
Design standards.....	42-184
Type A buffer area.....	42-184(1)
Type B buffer area	42-184(2)
Type C buffer area	42-184(3)
Height requirements.....	42-185
Minimum installation size.....	42-185(a)
Minimum mature size.....	42-185(b)
Location	42-182

EDGEFIELD CODE

	Section
ZONING (Chapter 42) (Cont'd.)	
Owner of new use property responsible for providing buffer area; exception.....	42-188
Permitted substitutions	42-187
Required maintenance.....	42-189
Staggered plantings	42-186
Use of buffer areas.....	42-190
Intent	42-161
Landscaping	
Definition	42-211
Design standards and specifications.....	42-215
Landscaped areas in or adjacent to parking areas.....	42-216
Landscaping plan	42-214
Purpose	42-212
Required maintenance.....	42-217
Where required	42-213
Tree protection	
Exemptions.....	42-242
Minimum protective zone to be maintained during development	42-246
Purpose	42-241
Replacement of removed significant trees	42-247
Significant trees protected	42-243
Site design.....	42-245
Tree survey.....	42-244
Licenses and permits	
District standards and specifications	
Temporary uses	
Permit required	42-41(a)
Permits, permit authorizations and certificates .	42-391
	et seq.
Loading and unloading	
Accessory uses	
Requirements applicable to specific accessory uses	
Off-street parking and loading space	42-103(1)

CODE INDEX

	Section
ZONING (Chapter 42) (Cont'd.)	
Off-street parking and loading	42-351 et seq.
Nonconforming uses and structures	
Continuation	42-121
Discontinuance	42-123
Lots too small to meet setback requirements ...	42-124
Modification	42-122
Change of nonconforming use.....	42-122(1)
Enlargement or expansion of nonconforming use	42-122(2)
Repair or alteration of nonconforming use, building, or structure	42-122(3)
Replacement of nonconforming use	42-122(4)
Signs	
Nonconforming signs.....	42-286
Officers and employees	
Administration and enforcement	
Duties and authority of zoning administrator.	42-431
Board of zoning appeals.....	42-491 et seq.
Planning and zoning commission	42-461 et seq.
Off-street parking and loading	
Applicability; general requirements	42-351
Approval of parking and off-street loading plans and layouts	42-356
Design standards for parking area for more than ten vehicles	42-353
Construction, paving	42-353(2)
Drainage	42-353(3)
Entrances and exits	42-353(5)
Landscaping	42-353(8)
Lighting	42-353(7)
Marking	42-353(6)
Parking dimensions	42-353(1)
Separation from walkways and streets	42-353(4)
Loading areas.....	42-358

EDGEFIELD CODE

	Section
ZONING (Chapter 42) (Cont'd.)	
Maintenance.....	42-354
Parking and storage of vehicles restricted in residential areas	42-357
Commercial and other large utility vehicles ...	42-357(c)
Commercial trailers and equipment	42-357(d)
Recreational vehicles and boats.....	42-357(a)
Unlicensed vehicles.....	42-357(b)
Parking area to be on same property as principal use	42-352
Parking space for the physically disabled	42-355
Parking	
Accessory uses	
Requirements applicable to specific accessory uses	
Off-street parking and loading space	42-103(1)
District standards and specifications	
Table 1—Permitted and conditional uses and off-street parking.....	42-39
Landscaping, buffering and tree protection	
Landscaping	
Landscaped areas in or adjacent to parking areas	42-216
Off-street parking and loading	42-351
	et seq.
Permits, permit authorizations and certificates	
Application requirements for building permit authorizations	42-393
Application requirements for sign permits.....	42-394
County certificate of occupancy required	42-397
Expiration.....	42-396
Fees	42-395
Filing applications.....	42-392
Required	42-391
Planning and zoning commission	
Amendments	
Pre-hearing procedure	
Review by the planning commission	42-522(3)

CODE INDEX

	Section
ZONING (Chapter 42) (Cont'd.)	
General powers and duties	42-463
Membership; vacancies; compensation	42-461
Organization; meetings; rules; staff and finances	42-462
Signs	
Accessory uses	
Requirements applicable to specific accessory uses	
Free-standing signs	42-103(2)
Design and construction standards	
Building and electrical code compliance re- quired	42-312
Clearances required	42-311
Pedestrian area clearance	42-311(c)
Vehicle area clearance	42-311(b)
Visual area clearance.....	42-311(a)
Illuminated sign requirements	42-314
Method of measuring distance of sign from ground	42-316
Method of measuring sign face areas.....	42-315
Painted sign requirements	42-313
Nonconforming signs	42-286
Permits, permit authorizations and certificates	
Application requirements for sign permits	42-394
Prohibited signs	42-285
Purpose; compliance required	42-281
Signs in the public rights-of-way.....	42-283
Signs on private property restricted by zoning district; reference tables.....	42-282
Temporary signs	42-284
Specific conditional uses. See herein: Conditional Uses	
Surveys, maps and plats	
District standards and specifications. See herein that subject	
Landscaping, buffering and tree protection	
Tree protection	
Tree survey	42-244

EDGEFIELD CODE

	Section
ZONING (Chapter 42) (Cont'd.)	
Traffic and vehicles	
Loading and unloading. See herein that subject	
Parking. See herein that subject	
Signs	
Design and construction standards	
Clearances required.....	42-311
Vegetation	
Accessory uses	
Requirements applicable to specific accessory uses	
Buildings, sheds, and structures for dry stor- age; greenhouses.....	42-103(3)
Landscaping, buffering and tree protection.....	42-161 et seq.